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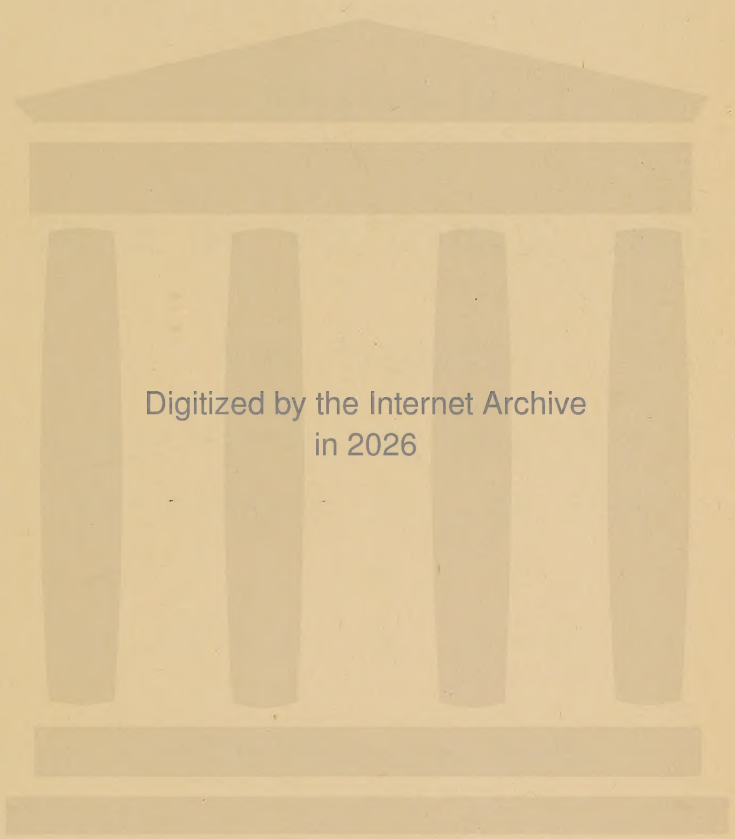
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HANSARD'S

PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

53 & 54 VICTORIÆ, 1890.

VOL. CCCXLVII.

COMPRISING THE PERIOD FROM

THE SEVENTEENTH DAY OF JULY, 1890,

TO

THE FIFTH DAY OF AUGUST, 1890.

Seventh Volume of the Session.

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ERRATUM.

July 28. Sir JOHN GORST, page 1041, fifth line from bottom, *after* Legislature, *insert* The principles affirmed at the Conference are being and will be observed in India.

An Asterisk at the commencement of a Speech indicates revision by the Member.
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HANSARD'S PARLIAMENTARY DEBATES.

IN THE

Fifth Session OF THE *Twenty-Fourth Parliament* OF THE UNITED KINGDOM OF *Great Britain* AND *Ireland* APPOINTED TO MEET 5 AUGUST, 1886, IN THE FIFTIETH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SEVENTH VOLUME OF SESSION 1890.

HOUSE OF LORDS,

Thursday, 17th July, 1890.

The Lord Howard of Glossop—Took the Oath.

PRIVATE BUSINESS.

LONDON STREETS (REMOVAL OF GATES) BILL

THE EARL OF ROSEBERY: My Lords, I rise to ask your Lordships to suspend the Standing Orders in order to give a Second Reading to the London Streets (Removal of Gates) Bill, and that is so simple a proposition that I should not think it necessary to trouble your Lordships with any remarks on the subject had it not been that I see a notice standing in the formidable name of my noble and learned Friend Lord Bramwell for the refusal of the Second Reading. I do not think it is usual to make long speeches about private Bills, and it is the less necessary in this case, because I presume every one of your Lordships who is an inhabitant of London is well aware of the nature of the obstruction which this Bill seeks to remove. In fact, I should have thought there could have been no opposition to a simple proposal of this kind. The wonder to me is that those obstructions should have been allowed to remain so long, and that in the middle, or towards the latter end, of the 19th century there should be a single district of London which is shut up for the night from 11 o'clock to 7 the next morning, and through which the passage of heavy traffic or vehicular traffic from different parts of the greatest city in the world is strictly forbidden by the existence of these bars. Well, as I have said, I should have thought there could have been no opposition; but there has been a Petition filed in opposition to this measure, and I do not doubt that it is that Petition which my noble and learned Friend is prepared to support. But I do not see any opposition from the one quarter from which especially it might have been expected to come with some show of right, and that is from the noble Duke

himself (the Duke of Bedford), whom I do not see in his place. The intervention in this matter is entirely on the part of persons who think their comfort will be affected by the removal of these bars, and, therefore, beg your Lordships to forbid the passing of this Bill. In the first place, I would venture to remark that these bars were not made for the protection of the repose or the protection of the comfort of the inhabitants of this district in the slightest degree. That is a proposition to which I have no difficulty whatever in asking the assent of my noble and learned Friend. I hold in my hand the copy of the Act under which these bars were set up, and it is set out very clearly and plainly what their object was. It was in no degree, as I have said, to protect the comfort of the inhabitants, but it was to protect the roads which had been made by the Paving Trust of that district from being invaded or utilised by the inhabitants of the neighbouring estates. That is set forth clearly enough in this Bill to which I refer. It hands over to the Paving Commissioners, as Trustees, the roads that had been made on this estate. It hands over to them the freehold, and appoints those Commissioners for five years, and then to be renewed at the end of five years. The clause that I think will throw most light on the object with which those bars were set up is the 63rd—

"And be it further enacted that nothing herein contained shall extend, or be construed, declared, or taken to extend, to prevent or preclude the said Duke of Bedford, his heirs and assigns, or the owner or owners for the time being of the said pieces or plots of ground from erecting or placing any posts, rails, or other obstructions at the end of any streets, squares, or places intended to be made in pursuance of this Act, which shall lead into the estates now or late the property of the Worshipful Company of Skinners, or of Hans Winthorpe Mortimer, Esq., so as to prevent any horses or carriages passing or re-passing through the said streets, squares, or places, into or upon the said estates now or lately in the hands of the Worshipful Company of Skinners, or of Hans Winthorpe Mortimer, Esq,"

and so on. It is perfectly clear, therefore, that the object of those gates was what I have stated, and that the roads made on the adjoining estates being now quite as good as those on this estate, the reason for the existence of the gates has disappeared, and they are now simply a mediæval anomaly in the middle of London at the end of the present 19th century. And here I would venture to remark that these Paving Commissioners to whom these roads were made over in freehold have disappeared, and that the Vestry have succeeded to their powers. The Vestry is the representative of those Commissioners. Have the Vestry petitioned against the removal of these gates? Not in the slightest degree. On the contrary, the Vestry petition for their removal. I only notice that in passing; but my point, which I was going to bring before your Lordships, is that if under these Paving Trusts it was intended that the gates and bars elsewhere should be kept up as they are now kept up in these four places, London would have been so hampered and harassed that its development would have been absolutely impossible. In 1865 there were 316 of these Trusts, and I ask your Lordships to consider what the condition of London would have been if the other 315 Trusts with powers of barring up the streets of London had been exercised as they have been in these four places. Then I would ask the further question, when has it ever been customary in London to give compensation for the introduction of new lines of traffic? I speak with great humility and deference in the presence of my noble and learned Friend, but I do not suppose that even he can produce one instance in which such compensation has been given. Your Lordships will remember an instance, which must be very familiar to you, where private property did sustain very signal damage by the admission of traffic for the purposes of public utility—I allude to Hamilton Place. That was one of the most agreeable residences, no doubt, in London. It was a *cul de sac*. The houses there were almost like country villas, with the park on one side, though they had the public street on the other. But suddenly public opinion demanded that Hamilton Place should be thrown open. Park Lane was opened, and Hamilton Place was roughly invaded by traffic. But I venture to say that not one farthing of compensation was paid for that damage to property. Again, at this moment, there has been a considerable introduction of heavy traffic into streets which hitherto have been free from it.

For example, of the west side of Grosvenor Square and South Audley Street, and that district which has hitherto been kept apart from public traffic, there is a perpetual and increasing stream of omnibuses and heavy traffic passing to and fro at all hours of the day; but I have yet to learn that the inhabitants of that district have come before your Lordships with an appeal on the ground that their repose has been in any degree interfered with. The honest and plain truth is, that putting all legal technicalities aside, my noble and learned Friend admits he cannot produce a case in which compensation has ever been paid for the introduction of traffic, and that if you live in the centre of the greatest city in the world you must take the drawbacks of that position as well as its conveniences. I do not believe if you brought a traveller to London and took him into this district and explained to him that, under the provisions of a private Act of Parliament passed in the year 1799, it was the prerogative of this district to be locked up in monastic seclusion from 11 o'clock at night to 7 o'clock in the morning, and to prevent the passing of traffic through that quarter, he would place the slightest credence in your assertion until he had learned the fact from experience. I believe that if there is any compensation to be paid, if compensation is due in any quarter, it is rather due from the inhabitants of these districts for the privilege they have so long enjoyed at the expense of the public than it is due from the public to the inhabitants of these districts. Then I would ask this: Is there anything in their covenants which gives them a right to expect any such redress? Have they, under the covenants of their houses, any claim for the preservation of these bars? I challenge my noble and learned Friend to produce such covenants. As a matter of fact, there is no such agreement, and they took their leases with the Act open before them under which these bars were fenced, and from which I venture to make a few quotations to your Lordships. Let me refer to another clause to prove what I say. It provides—

"That nothing shall prevent or hinder the said Francis, Duke of Bedford, his heirs or assigns, or the owner or owners of the said plots of ground for the time being, from removing the said fences, gates, posts, rails, or any of them at his or their free will or pleasure."

So far, therefore, from having a vested interest in these gates, the inhabitants of this district took their leases with the Act of Parliament open before them giving the ground landlord, at any time, at his own free disposition and arbitrament, power to remove these gates, rails, and posts. I venture to think, under those circumstances, your Lordships will not refuse, at any rate, a Second Reading to this Bill, and that, in view of the large interests with regard to public convenience that are involved, in view of the fact that a Committee of the House of Commons patiently and laboriously investigated this matter and have passed the Bill unanimously, nothing could be more ill-judged than that your Lordships should at this day refuse a Second Reading of the Bill.

Moved, "That the Order made on the 10th day of March last, 'That no Private Bill brought from the House of Commons shall be read a second time after Friday the 20th day of June next,' be dispensed with, and that the Bill be now read 2ª."—(The Lord Rosebery, *E. Rosebery.*)

*LORD BRAMWELL: My Lords, on behalf of the people who live within the district which is affected by this proposal, I ask your Lordships to reject the Bill. I have no authority to speak for the Duke of Bedford, but I know he has expressed himself as sorry for the position of these persons, of whom upwards of 200 have petitioned against this Bill. I suppose your Lordships know where this district is now, though some 50 or 60 years ago it was considered a good joke by Theodore Hook and some of his school to represent Bloomsbury as a *terra incognita* which people then knew nothing about. Less than 100 years ago this district was all fields; there were no houses upon it. But by the 39 & 40 George III., to which the noble Earl has referred, a scheme was recognised and means were given for carrying it into execution of erecting houses and making it a residential district, if I may use the expression. Your Lordships may possibly know that this was carried into execution, and that houses of a very good character, though not palatial—not as good as your Lordships find in Mayfair or Belgravia—but

houses of a very good description, indeed, have been erected there, and are occupied by most respectable tenants. I am surprised to hear the noble Earl say that these barriers were not put up for the benefit of the district and of those who live there. They most manifestly were, and I will ask your Lordships' permission to refer to the Act in order to show it—

"That nothing shall prevent the said Francis, Duke of Bedford, his heirs and assigns, or the owner or owners for the time being of the said pieces or plots of ground from erecting posts, rails, and other restraints in order to prevent traffic passing over and through the said streets, squares, and places."

The noble Earl says the people in the district are at the mercy of the Duke, who could remove these bars if he thought fit. I think it is very likely he can. I am not instructed that there is anything in their leases which gives them the right to insist on the maintenance of these bars; but they are satisfied that the noble Duke and those who succeed him will, unless your Lordships prevent it, continue these bars for the purpose of adding to the comfort and convenience of those who inhabit the district. Instead of building on the ground where those barriers exist, the bars and gates have been erected and the space has been sacrificed upon which houses might have been built. So far as that has been done, they feel satisfied that these bars will be continued, as the property will thus remain more valuable both to the occupier and to the freeholder. So much for the region of these barriers. Seventy years ago, in the 57th year of the reign of George III., another Act of Parliament was passed which was intended for the better paving, improving, and regulating the streets of the Metropolis, and in that Act there was this clause—

"Nothing in this Act contained shall extend, or be construed to extend, to authorise the taking down or removing of any bars, gates, rails, or other fences fixed for preventing any thoroughfare into, or from, any square, street, place, or way, without the consent of the owner of the estate or property upon which such bars, gates, rails, and other restraints shall be situate."

It is true that by the original Act of Parliament Commissioners were appointed for the special purposes of rating the occupiers of these premises, and of paving and performing certain duties that were afterwards taken from them and transferred to the Vestry. It was an inconvenience, I dare say, as the noble Earl has said; but by the Metropolis Local Management Act, 1855, it was provided (I will not trouble your Lordships with the particular language of the Act) that those Commissioners should cease to exist, and that the Vestry should take upon themselves the duties which the Commissioners had formerly performed, and that the rating should be a rating by the Vestry instead of by the Commisioners. In that Act, which was not a private, but a public, Act of Parliament, there was this provision—

"Nothing in this Act shall extend or be construed to extend to authorise the taking down or removing any bar gate rail or other fence fixed for preventing any thoroughfare into any street square or way without the consent of the proprietor of the estate or property upon which such bar gate rail or fence or square street or place shall be situate."

So that the freeholder had the rights continued which he had by virtue of the private Act to which I have called your Lordships' attention, and which the noble Earl has referred to. They are continued to him by this public Act of Parliament. I suppose at that time it was hardly thought that the rights of owners could be taken away in the unceremonious way in which it is proposed by this Bill that they shall be. This, then, is the condition of things. Those are the rights which are given to these people by the law of the land—not merely by their having the property in the land, which they could apply for another purpose if they thought fit, because of course they could build upon it, but those are rights given to them, which they say, and which it cannot be denied, are useful to them for the purpose of preserving the privacy and quiet of their dwellings, and of preventing those inconveniences which will result from their being created an open thoroughfare. I agree that the public has a right to expropriate any property for public purposes. I entirely agree to that; every man who holds real property in this country holds it subject to the right on the part of the public to take it away from him. But upon what terms? Why, upon the terms of paying him for it, and upon no other terms. Your Lordships must know that the most careful provisions are found in all Acts of Parliament authorising the taking of land for railways, canals, or other public

purposes. The most careful and scrupulous provisions are put in those Acts for the purpose of compensating every man whose land is so taken. That is not denied here, and why? The noble Earl says he is astonished that the inhabitants of this district should like the present condition of things. Well, I should be very much astonished if they did anything else, and I will take the noble Earl's own illustration. He says the west side of Grosvenor Square is now used as a thoroughfare for a line of omnibuses, and that the people there very much dislike it. I have no doubt they do. But he says they are entitled to no compensation. Why? Because they had no right to stop the omnibuses. They had no powers by which they could lawfully have prevented any portion of the public traffic which should take that direction. Your Lordships cannot doubt—I think it is impossible to doubt, and I wish your Lordships knew—probably you do not—what may be called the quiet and privacy of this neighbourhood; but it is to be invaded by traffic, and I suppose cattle are to go through it and lines of omnibuses, heavy trucks, and all traffic at all times of the day and night. I ought here to mention that the only traffic which is at all excluded is that of a heavy character, such as that I have mentioned to your Lordships, and also that it is only from 11 o'clock at night to 7 o'clock in the morning that the gates are closed to the light traffic of cabs and carriages. There cannot be a doubt that it will be a loss to these people. They say the result of it will be that, instead of the district being a residential one, it will become to a certain extent altered; that it will be lowered in its character, and they put forward this which I think is a matter eminently entitled to your Lordships consideration—they say they have leases, and that by their leases they are prohibited from turning the houses into shops or places of business. They must keep the houses as private residences, and they say the tendency of this Bill, if your Lordships pass it, will be to leave them saddled with their leases, under which they will be unable to continue to use their houses for the same purposes as those for which they at present use them, and which they can put to no other use. Now, I want to ask this question: Supposing that those who laid out this estate, instead of paving the space on which the bars were put, had put houses there? Do your Lordships know why they did not do so? They did not put houses on these spaces that are occupied by the bars, but they put bars there instead, because they knew that the property would thereby be made more valuable than it would be if these spaces had been covered with houses. But would anybody have thought for a moment if that had been the case, if houses had been built there, that the houses ought to be pulled down now without compensation? Nobody would have ventured to suggest such a thing without compensation being made to those who had suffered from it; but because it is a bar it is to come down, although that bar is something which makes the property more valuable. It is to be taken down—and why? On account of the convenience to the public. But if the convenience to the public is worth causing loss which it will occasion to the tenants, the public ought to pay for it. If it is not worth that loss, then that loss ought not to be inflicted upon the people. It is a dilemma of a most undeniable character, as it seems to me. But, no; because the bars are there as a sort of invitation, if one may so say, to suggest to people that they should be pulled down, this proposition is quietly brought forward. When, as I have said, if houses had been placed there instead, nobody would have thought of it. It puts me in mind of a case that came before a very sagacious Judge, where the plaintiff complained that the defendant had got a brickfield very near to him. When the defendant was called upon for his defence, he said, "It is so convenient; that it was a convenient place where they were burning bricks." "Convenient to whom?" said the learned Judge, Mr. Justice Wightman, "not to the plaintiff?" "No," was the answer, "convenient to me," and the plaintiff got a verdict. And I trust your Lordships will here give the verdict to those who are in this situation. It is convenient to the public that these bars should be pulled down, not to those who will suffer, as I have no doubt they will from that being done. Let there be no mistake about it

at all. The proposition is not that these bars should be taken down and compensation made to those who suffer, nor is there any suggestion that they will not suffer; but the Bill is that, whether they suffer or not, down must come the bars, and no compensation paid. That is the case that is laid before your Lordships. I want to know what is to be the result of it? Here is property being taken merely because it will be a convenience to the public without any compensation being made to those who are injured by it. What is the precedent for it? Are all the other bars in London to be taken down in the same way? Some of your Lordships know the convenience and comfort that such bars afford to those who live in the districts where they are. But if the reason put forward is a good one; if the requirements of civilisation in the greatest capital of Europe, as the noble Earl stated, necessitates this being done, it is a reason that would be equally applicable to every bar in the Metropolis, and it is a reason which, as far as I can see, should not stop at bars, but be extended to houses or to any other property standing in the way where it is proposed to open a thoroughfare. My Lords, I ask your Lordships to read this Bill a second time this day six months.

Amendment moved, to leave out ("now") and add at the end of the Motion ("this day three months.")—(*The Lord Bramwell.*)

LORD HERSCHELL: My Lords, I trust that notwithstanding the alarmist speech which has just been delivered by my noble and learned Friend you will give this Bill a Second Reading. In asking your Lordships to reject the Bill, my noble and learned Friend can only support that proposal if he can establish the proposition that in favour of those whose interests he has represented the interests of the public at large are to be absolutely disregarded. Of course, the reading of this Bill a second time does not preclude any of these petitioners from making out such a case as they can before a Select Committee for such compensation as the law may warrant or your Lordships' House may deem them entitled to. But my noble and learned Friend is not satisfied with that; he asks your Lordships to say that, because these bars have existed, and because their existence produces a certain amount of comfort to 200 people——

*LORD BRAMWELL: No, 2,000.

LORD HERSCHELL: I took the number which my noble and learned Friend himself stated. Because that is so, the interests of thousands in this Metropolis are to be thoroughly disregarded. The truth is, these bars are an anachronism, barring as they do the passage across this great Metropolis from one district to another, and from more than one important railway station, at inconvenient times in the day, making them inaccessible except by going round a very considerable distance. I should have thought that the right of the public to have their interests considered in this matter, and to have these bars removed, whatever claims any person might have to consideration, was absolutely clear. At the time their erection was sanctioned, the state of things which existed was something totally different from that which exists to-day. Since that time railways and railway stations have come into existence, and the vast amount of traffic has arisen in different parts of the Metropolis, owing to the extension of London, which finds its outlet and inlet by these railway stations. And when you look at the object with which those bars were erected, you will find that object was not one which had in contemplation this purpose for which it is now desired they should be maintained against the public. In those days the cost of paving and repairing the streets, the ownership of the streets being in the freeholder, was cast upon those living within the particular district, which was, practically speaking, really the estate where the streets were made and the bars erected; and the object of the bars was to prevent the owners of adjoining estates using the streets that had been made at the expense of those residing within the limited area for their purposes. That was the original object. But what has happened since then? It is obvious that, whilst the burden of paving and repairing streets is not cast upon the inhabitants generally, the Act of Parliament says that they shall not use those streets, but that these people shall have an exclusive right and control over them, and use of them, which no other part of the

Metropolis possesses. If they want compensation—if my noble and learned Friend talks of what is just and fair—I say that during all those years they ought to have paid higher rates than the rest of the people in the Metropolis who have not enjoyed those advantages. It seems to me they have really during all those years been enjoying a very good *quid pro quo* for what is now asked of them. But the cost of repairing those streets is no longer cast upon the inhabitants of the district; the whole parish pays for it. They pay every penny of the cost of the repairs.

*LORD BRAMWELL: The people in these houses are rated for it.

LORD HERSCHELL: Yes, but they are only rated as everybody else is rated; and whilst they have, at all times of the day and night, the use of the streets for which the general public are rated, they ask that the public shall be restrained from using those streets which are within the area absolutely during the night.

*LORD BRAMWELL: There has been less traffic over those streets, and, therefore, they have required less paving.

LORD HERSCHELL: They have required less paving to some extent, but, at the same time, nothing like the extent that would justify or give these people the right to say that these streets should not be made available to the inhabitants of the other parts of the parish. These streets are now vested in the Public Authorities for the use of the public, just as other streets are; and whatever rights the inhabitants may have to compensation—and I will say nothing about that at present, as that is a question for Committee, and not for your Lordships' House, upon the Second Reading of the Bill—I say that gives them no right to say that these streets shall not be made available for public use in the public interest, and to the full extent to which the public interest requires. I entirely concur that the Committee will have to consider that which the House of Commons Committee had to consider—that is to say, the question whether a right to compensation has been established by anybody. My noble Friend speaks of this as a most alarming proposition, as one which is destructive of the rights of property, and I know not what. But it is, I think, a very sad fact that such a lamentable measure has been passed, not by a Radical House of Commons at all, but passed unanimously by a Committee which had for its Chairman a respectable Conservative County Member. It is surely a shocking thing to think that we have come to such a pass that such a measure should have been sanctioned by a Committee presided over by a Conservative Chairman! But in addition to that, it has been passed by the other House, the majority of which can hardly be regarded, I think, at the present time as representative of Radical opinions. Therefore, it comes to your Lordships from a Body, and with an impress which ought to mitigate the alarm which otherwise my noble and learned Friend's speech might have been calculated to produce. The sole question is now: Ought your Lordships to read this Bill a second time? That must surely be decided quite apart from the question of compensation which will arise hereafter. It is a question simply whether there is a right in the interests of the public to remove a great obstruction to the public traffic, even though doing so should, to a limited extent, interfere with the comfort and convenience of the residents in the district. That is a proposition which I scarcely thought my noble and learned Friend would have disputed as regards compensation. I certainly do not mean either to trouble your Lordships with or to suggest to the London County Council an argument against the right of compensation to counterbalance the arguments which my noble and learned Friend has adduced in favour of the right of compensation. Those arguments will, no doubt, be put fully before the Committee of your Lordships' House by learned counsel representing both sides, and I think there would be no advantage in anticipating the able speeches which no doubt the learned advocates will be well prepared to deliver, and adequately and highly remunerated for, by addressing their arguments to those who are learned in the law in your Lordships' House. I think those arguments may be left for the consideration of the Committee. My noble and learned Friend has spoken of the petitioners in this neighbourhood. He did not very clearly define their position, but, as I understand, the petitioners are not con-

fined to those who are residing in these particular streets which are protected by the bars, but some of the petitioners are persons residing in adjoining streets at some little distance who say that if you take down these bars, though they do not dwell in any street where the bars are, more traffic will pass into their streets from the protected streets. It is very difficult to draw the line and to say how far such claims shall extend, if they should be admitted at all. It is true they say:—"We do not live in these streets, but we relied incidentally upon the protection which we received from these bars, and the people who live in the streets themselves have no more legal right than we had, because they had no bargain with their freeholder that those bars should be kept up; and if you take down those bars, our houses will be rendered less convenient and comfortable, and, therefore, we also claim compensation." That danger, therefore, must be kept well in view in considering this question of compensation—that is to say, the extent to which it may go. My noble and learned Friend answered the case which was put by my noble and learned Friend Lord Rosebery, with regard to traffic coming where traffic had not come before, by saying that that did not arise from any change arising from the removal of the bars. But there have been numbers of cases where, owing to street improvements, streets which were formerly quiet streets, apart from everything but local traffic, have been made part of the public thoroughfare, along which the traffic has become very considerable. It seems to me that, if my noble and learned Friend is right, the principle for which he contends might be just as much relied on in the case I have put, although no such claim for compensation has ever yet been entertained or heard of, as far as I know. There have been many cases, as my noble and learned Friend knows perfectly well, where street improvements, authorised by Act of Parliament, have turned streets and portions of streets, which hitherto have been free from traffic, into thoroughfares for the public traffic. If you once acknowledge that compensation must be paid it would be difficult to argue that there would not be just as much right in those cases as in the present. I have not desired to prevent any argument upon the question, which will have to be discussed no doubt, as to whether any of the persons are entitled to compensation if this Bill goes before a Committee of your Lordships' House. All I wish to do is to point out that the case is not so very simple as my noble and learned Friend seemed to suggest, and that such claims, even if any of them be legitimate, cannot be accepted wholesale; but there will need to be the greatest possible discrimination shown with regard to them unless you wish hereafter to establish a doctrine which will hamper all Metropolitan improvements by making the ratepayers pay an enormous amount of compensation in satisfaction of claims which have never yet been heard of.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): My Lords, I should advise the noble and learned Lord opposite to accept the species of compromise which has been offered by the noble and learned Lord who has just sat down. He entirely admits that the question of compensation remains open, and if the question of compensation is not settled to the satisfaction of my noble and learned Friend, or of those who oppose this Bill, it would be entirely in the power of your Lordships' House to deal with that matter when the Bill comes back from Committee. The result of your Lordships' accepting the proposition which has been recommended by the noble and learned Lord (Lord Bramwell) would be that under no possible circumstances has the public any right to relief. I confess that is rather a difficult theory to substantiate that under no possible circumstances has the public a right to be relieved from these obstructions to traffic. I feel that all the more keenly because I am a constant passenger by the Great Northern Railway, and I must say that I have never passed the sacred gates in going to the Great Northern Station without mental imprecations against the persons who originally set them up and the persons who have since maintained them there. The question whether they have a right to compensation is not now before your Lordships. The question whether compensation ought to be given is a question for the Committee, and it is one which must be examined

into in detail. I thought the noble and learned Lord who has just sat down hardly kept his promise when he said he was not going to argue on the subject of compensation, and then proceeded to deliver a very subtle argument against it. He, however, drew our attention to the fact that it was the case of a legal opinion being given without pecuniary reward, and I trust he will forgive me for saying that in this case particularly a legal opinion is worth precisely what is given for it. But I would venture to submit to the noble and learned Lord who has just sat down that the whole question is with what view and under what understanding did the people who have acquired interests in these houses acquire them? Have they given more money, or consented to pay more rent, distinctly for the sake of this protection which they knew had come into existence in a legal manner and which they had every reason to believe would be perpetual? I do not see how you can avoid their claim to compensation. But I quite agree that any accommodation which people derive from the fact that traffic does not go through their streets is a right which is held upon a precarious tenure, and people in those circumstances have no right to complain of a change of condition in the Metropolis which may lead the traffic by their doors which they had previously been fortunate enough to escape from. Those are matters which would be better discussed in the whole House; and as the noble and learned Lord who has just sat down stated, examination must be made into each individual case, and each case will have to be dealt with upon its merits. There are questions here of common right depending upon the understanding upon which each man has entered into the bargain he has made, and I should be sorry if your Lordships were to prevent that examination from taking place by refusing to read the Bill a second time, and thus not allowing it to go before a Committee.

EARL GRANVILLE: I propose to add a few words in support of the appeal which the noble Marquess and my noble and learned Friend have made. I certainly will not say one word with regard to the merits of the question. I am quite satisfied with the way Lord Rosebery and Lord Herschell have put that, but I really think it is very important as a matter of procedure in this House. The noble and learned Lord admits that if there be a public advantage it is quite right to legislate in a sense to serve that public advantage, but with the reservation that some compensation should be paid to those who suffer. But the result of his Motion to-day would be, while postponing the question of compensation, to put an end to this obstruction, for the public advantage, which has been so strongly advocated by my noble Friends. I do not think anybody in this House can deny that those gates and bars are a very great inconvenience indeed to a large body of the public; but I am most anxious to point out that it is the constant practice of this House to refer questions of this sort to Committee, and to reserve to ourselves, if necessary, after the question has been dealt with in Committee, the power of dealing with it, without our being now called upon to pledge ourselves one way or the other. This question of traffic is one of pressing importance in London. It happened that a day or two ago a similar scheme was brought forward, and I do not say whether the Committee were right or not in rejecting it, but it was rejected; and now here is another proposition for relieving the traffic in London, and I should really feel sorry if we bound ourselves to be obliged to reject it in a summary way before the Committee has dealt with it. The noble and learned Lord (Lord Bramwell) quoted the Duke of Bedford, though he said he was notauthorised to speak for him. I have, certainly, no authority to speak for the Duke of Bedford, and I do not know which way his desires would go; but if I were speaking as a landowner of London, I must say I should be very glad to be relieved from such a very invidious position as he occupies with regard to the convenience of the public. However, that is for the Duke of Bedford to judge of. He may appear before the Committee to support or to oppose the scheme, or he may abstain altogether; but I think the best conclusion for your Lordships to arrive at is, in conformity with your constant practice, to allow this Bill to be read a second time, not pledging yourselves for the future after it has been dealt with in the way to which my noble and learned Friend has referred.

*Earl FORTESCUE: I would venture to support the appeal which has been made by the Prime Minister to my noble and learned Friend. It is quite true, as he has said, that everyone holds his property under the tenure of its being liable to be taken for the Public Service; but on payment of compensation; the whole question turns on the payment of compensation. No one can say it is of greater importance to the public that a thoroughfare should be opened to the North-Western and Great Northern Stations than that a battery should be erected for defending our Dockyards from attack; but I have never heard it suggested that the Government is to seize the land on which a battery is to stand on account of its great public importance, and of its being indispensable to the defence of the country without paying compensation. I must venture to claim for myself a little prescience with regard to the line which the London County Council have not hesitated to take. I ventured to say, in the Debate on the Local Government Bill, that I thought they would try to divert public attention from an expensive and not very efficient management of Metropolitan concerns by introducing Bills to conciliate popular favour at other peoples' expense. They quite lately brought in a Bill which was rejected by a Committee of the House of Commons, to introduce a new principle of betterment. They want to conciliate popular favour by improving the Metropolis, and they shrink from honestly paying, or inviting the ratepayers to pay, what is justly due to the parties affected. I felt convinced that before very long that line would be taken by that popularly-elected body, but I did not expect that my predictions would be verified within one year. This Bill, however, was introduced without any hint of compensation for any damage done, and without any suggestion that such a question could arise; and then the noble Earl, the late Chairman of the London County Council, gives us as an example of similar injustice done, and of reasonable facilities of communication being afforded to the public at the expense of the comfort of private individuals, the opening of Hamilton Place. But Hamilton Place was sealed at the end by Crown property. There was no question of any Act of Parliament sanctioning that impediment. I myself was the person who carried, through the Metropolitan Communications Committee of the House of Commons, some 40 years ago, I think, the recommendation that Hamilton Place should be opened to the public. A quarter of a century after that recommendation Hamilton Place was opened; and a very great convenience it has been, though an inconvenience to the persons whose houses are there. But there was no ground for compensation being paid to them, seeing that there were no bars existing there, but simply part of the Crown property, which was liable at any moment to be taken for public improvements. A more infelicitous illustration of the justice of the present claim I can hardly conceive. A real hardship arises to the parties who are resident within these bars in the fact that their existence has been confirmed and sanctioned distinctly by the Metropolitan Local Management Act. What the noble Earl proposes is practically to repeal a clause in the Metropolitan Local Management Act which was inserted simply as an act of justice, as a great deal of traffic was already at that time going in that direction between other parts of the Metropolis and these railway stations. It was inserted in consequence of the conviction of Parliament of the justice of the claim of the parties interested in its insertion.

*Lord BRAMWELL: My Lords, I suppose I need scarcely say that after what has been said by the noble Marquess and the noble Earl on this side, I will, with your Lordships' leave, withdraw my Amendment. But permit me just to say that really I have attained my object. I am pretty sure that if compensation is to be paid, your Lordships will not be troubled with this Bill again. I did want to save your Lordships the trouble of discussing it in Select Committee and to save the parties that expense; but as it will now be an open question for the Committee, I feel pretty sure how it will be dealt with, and whether compensation will be paid. As that is the case I have no objection. The Lord Chancellor the other day quoted an opinion of an "old Parliamentary hand" that all the Second Reading of a Bill meant was that something was required to be done in the matter. Well, now, I am a young Parliamentary hand, but I

should have thought there was another thing involved in it, which is this: That not only is there something which requires to be done, but that the something in the Bill was the right remedy. I do not see any indication in the Bill that people shall be paid for the loss they will sustain. However, as that is now possible, I will ask your Lordships' leave to withdraw my Amendment.

Amendment (by leave of the House) withdrawn; Motion agreed to; Bill read 2ª accordingly; and committed: The Committee to be proposed by the Committee of Selection.

STATUTE LAW REVISION BILL.
(No. 33.)

To be printed as amended by the Commons. (No. 203.)

COURT OF CHANCERY OF LANCASTER BILL.—(No. 183.)

Returned from the Commons agreed to.

COMPANIES (WINDING-UP) BILL.
(No. 182.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE SECRETARY TO THE BOARD OF TRADE (Lord BALFOUR of BURLEIGH): My Lords, the Bill to which I ask your Lordships now to give a Second Reading, is one of very considerable importance, and, at the same time, of considerable complexity, and abounding in details of a highly technical and legal nature. As I do not anticipate that there will be any objection to giving the Bill a Second Reading in this House, I shall only detain your Lordships for a few moments in explaining in general terms what are the objects for which it is brought forward. The leading Act which settled the law and practice as regards Limited Liability Companies was, as your Lordships know, passed in the year 1862. It has been amended upon several subsequent occasions, notably in the years 1867, 1879, and 1880. But nearly all those amendments had much more relation to that part of the original Act which deals with the creation of companies and their formation than to the other parts, which are scarcely less important, dealing with the method by which those companies which have been formed are wound up and cease to exist. The object of this Bill is to amend the provisions of the Act of 1862, mainly as regards those parts which have to deal with the winding up of Limited Liability Companies. At the outset, I should like to mention one ground of objection which has been brought to this Bill as it at present stands. Objections have been taken to it that it does not attempt to codify and consolidate the existing law. I believe that the existing law as regards companies stands in considerable need of consolidation and codification; but I think it would be unwise to attempt at the same time so large a measure as codification and consolidation and this necessary amendment of the law. What is intended by this Bill is to amend the law as regards those parts of the Act which are thought to require amendment, leaving to be dealt with hereafter the question of consolidation and codification of the law as it will then stand. I wish simply to say that, because this is only an amended Bill, and it must not be thought there is any attempt at consolidation of the law as regards Limited Liability Companies. As regards these companies, I think it may be safely said that on all hands it is considered the existing law is inefficient, unsatisfactory, and requires amendment. At any rate, I am able to say that the commercial community have been loud in their demands for some amendment of the law. But I find that the complaints are rather as regards the delay which accompanies the present practice than as regards any inefficiency in the law in the proper and stricter sense of the term. The present method of winding up companies is exclusively under the control of the Court of Chancery. The Judges in the Court of Chancery are all hard-worked men. They all have full engagements, and whenever any matter regarding the winding up of companies has to be brought before them, they have to make an appointment in regard to it very often a fortnight or three weeks ahead. If for any reason that appointment is not sufficient, if everything is not done that may have been expected or required at that time, owing to some unforseen difficulty, no other appointment can be got sometimes

for another fortnight or three weeks, thus occasioning great delay. These constant delays, while irksome in themselves, lead to other difficulties, because they lead to a great increase of expense; and it is in the hope of avoiding not only the unnecessary delay, but the unnecessary expense, that this Bill for the amendment of the law is brought forward. I also venture to say that public opinion and public interest are alike in favour of as large publicity as possible being given to all proceedings as regards the winding up of companies, and there are in this Bill provisions for securing further publicity and advertisement in regard to certain matters which it is desirable should be more widely known than are known at the present time. I claim for the Bill that it carries out more effectually than the existing provisions of the law what was the real intention of the Legislature when they passed that Act. I believe this Bill will deal more effectually with the winding up of companies, and that the conditions which will be imposed upon those who are perhaps responsible for the solvency of some of these companies will have a deterrent effect upon the management of concerns which are not yet insolvent, but which may hereafter come under the provisions of Bankruptcy Law. I venture to say, and I have no doubt I shall carry the House with me when I say it, that there are two main objections to be kept in view in these matters. You have first to keep in view the necessity for a fair and proper administration of the bankrupt estate, so that you may effect a speedy and expeditious distribution of the assets, and at the same time the public interest demands in any case in which there is any suspicion of unfair dealing there shall be an independent investigation into the conduct of those concerned. The main objects of this Bill are, in the first place, to effect a certain transference of jurisdiction, so as to cheapen the proceedings in the winding up of the smaller companies, and to bring them more nearly into harmony with the practice of winding up individual bankrupt estates. There will, therefore, be a more efficient and thorough supervision of the judicial and administrative duties which have to be discharged in the winding up of these companies. Mainly, this Bill assimilates the practice in the case of winding up insolvent companies to that which now obtains under the Act of 1883 in the case of estates of individual bankrupts. The Official Receiver under this Bill will be to some extent the officer of the Court, but he will be also in other capacities an officer of the Board of Trade in his administrative functions. Dealing with the assets of the company, he will be the officer of the Court, and he will still continue to act by and under the authority of the Court. But if questions arise as to the conduct of those who have had the management of the company he may make a report to the Court, and the Court will have power to act or not to act upon that report as far as regards a judicial investigation into the conduct of the persons concerned. I do not think I need say anything more as regards the general principles contained in this Bill, and I will mention very shortly one or two of the provisions in some of the most important clauses. The first three clauses deal entirely with measures of jurisdiction. The 4th clause contains certain provisions as to the liquidation. The 5th clause contains a power which is new in the administration of affairs of companies. That provision is that power is given to the Court upon the application of the Official Receiver to appoint a special manager to manage the estate or business of the company. The 6th clause is also new as regards the administration of insolvent companies. It makes provision that compulsory separate meetings of creditors and contributories shall be held to determine the appointment of an Official Liquidator in place of the Receiver, and the appointment and constitution of a Committee of Inspectors. If those two meetings, of classes whose interests are not, of course, identical, should happen to disagree, the Court will decide between them. The 7th clause is also important. It requires that a statement of the company's affairs shall be made out and submitted to the Official Referee. The statement is to be made by and in the name of one or more of the Directors, and by the Secretary, or such other persons as, being Directors, officers, and promoters, have acted within one year from the time when the winding up order has been made. Then there is also the 8th clause, which requires that certain reports shall be made from

time to time by the Official Referee to the Court. He can, if he is dissatisfied with the first inquiry that is made, or if he thinks that there is a *primâ facie* reason for taking proceedings in the case of any individual concerned, make a report to the Court asking for a further inquiry to be made. If, as the result of that inquiry, he comes to the conclusion that there is a ground for proceeding, he makes a report again to the Court to that effect, and the Court may thereupon take action upon that report. There are other provisions in the Bill for carrying out and applying more thoroughly the principles of the Act of 1883 to the winding up of companies. I think those are almost entirely matters of detail, and that they will be better considered by one of the Committees of your Lordship's House than on Second Reading. I will, therefore, say nothing more at this stage, but merely ask your Lordships now to read the Bill a second time.

Moved, "That the Bill be now read 2ª."—(*The Lord Balfour of Burleigh.*)

LORD HERSCHELL: My Lords, I think the Bill which the noble Lord has introduced is likely to work well, and to be a great improvement in relation to the winding up of companies; the general scheme of it being to assimilate the provisions relating to the winding up of companies and to bring them into conformity with those which now exist in relation to bankruptcies. That scheme is, I think, a sound one. The only matter to which I would call the noble Lord's attention on that point is the danger of leaving measures of this description to officials, which always results in creating a tendency after a time to too rigid and cast iron a system. There comes to be a tendency to run in a groove and to assume, when the working of an Act is once started in a particular direction, that all is well, and to continue the same system without perhaps sufficiently considering whether it is not capable of improvement. What I was going to submit to the noble Lord was this, whether there would not be some advantage, having regard to the complaints which have been made of the working of the official part of the bankruptcy system in the Board of Trade, in appointing a small Departmental Committee to inquire into the administration of the Bankruptcy Act under the Board of Trade, with the view to ascertain whether improvements might not be brought about in the mode in which its details are carried out. It strikes me that the present time, when you are about already to enlarge this system by extending it to the winding up of companies, which obviously will entail a large addition to the work of the Department, and is a new departure, would be a good time to take advantage of the working of the Bankruptcy Act, of which there has been now seven years' experience. We are now going to apply it to another subject matter, and I think we should take advantage of this experience which has been gained by the seven years' working of that Act. I think a Departmental Inquiry of that sort would be likely to result in suggestions for improved working of the law in regard to winding up, and that if that is to be done it would be advisable to do so simultaneously with the proposal to extend the provisions of the Bankruptcy Act to these matters. That is with regard to the principle of the Bill. There are several matters of detail to which I will call the attention of the House at a later stage. There is, however, one which I would point out now. I cannot overlook the fact that the present Bill extends only to England and Wales, and does not extend to Scotch and Irish companies. Certain of the provisions of the Act of 1862 are repealed by this Bill, and repealed because others have been substituted for them which will, it is considered, be of a satisfactory character, but, as far as I have seen, the circumstance appears to have been overlooked that these intended provisions only apply to England and Wales. Obviously, for instance, you ought not to repeal altogether those provisions which exist with regard to malfeasances of Directors when the substituted provisions apply only to England and Wales, and not to Scotland and Ireland. I think the section also which contains the interpretations of the word "Court," and defines the Court for Scotland and Ireland as well as for England and Wales, ought not to have been repealed for a substituted definition applying only to England and Wales. I only desire to make these

remarks at present, and I will not now trouble the House with further matters of detail.

*THE EARL OF SELBORNE: My Lords, I wish also to say that the principle of this Bill appears to me to be very sound as far as its object is to assimilate as much as possible the winding up jurisdiction to that in bankruptcy. The two subjects are obviously so nearly related to each other that they may almost be called identical, and the separation of the jurisdictions is purely arbitrary. I see that the Bill is a cautious Bill, because it enables the jurisdiction to be exercised either by Chancery Division Judges or by the special Judge in Bankruptcy. That, perhaps, is quite right. We know that the Judges of the Chancery Division have acquired great knowledge on the subject; and to withdraw all these cases from them at once may be unnecessary, and perhaps inexpedient. But the general principle appears to me to be entirely right. I must say at the time when I had personal experience of the administration in winding up in the Court of Chancery I did not think it satisfactory. It was a very long operation, the administration being left very much of necessity to Official Liquidators, whose expenses were extremely large. Without being able to anticipate how this Bill may work I think there was very considerable room for improvement in the administration of winding up matters, and I hope that improvement will take place under this Bill as it is framed. With regard to the suggestion of my noble and learned Friend, that there should be a departmental Commission appointed to inquire into the working of the latest Bankruptcy Act, certainly I see no objection whatever to the suggestion; but I am bound to say that, as far as I can judge, the present Bankruptcy Act has succeeded very much better than any of its predecessors. No Bankruptcy Act, and no winding up Act, ever will give satisfaction to creditors who are not paid, or to shareholders who are ruined, and such people there will always be to the end of the world. The most you can do is to aim at the least expensive mode of proceeding, and the one which shall, as far as possible, exclude the abuses which have been almost always incident to the unhappy state of things which leads to those proceedings: and if this measure of the Government should produce that effect in reference to winding up proceedings, I think they will be entitled to the public thanks.

LORD BALFOUR OF BURLEIGH: My Lords, I should like to say at once that as regards the important point which has been brought before the House, as to repealing certain sections altogether of which the substitution is only as regards England and Wales, that matter, of course, must be looked into. The noble and learned Lord is perhaps aware that there is a Bankruptcy Bill for Scotland this year, but I see it has been withdrawn. However, the Secretary of State for Scotland has told me that if we will communicate with him, he will take care to get advice upon the Bill as it stands, so far as it has reference to Scotch Law. I can only say that I shall take care that objection does not arise. With regard to the departmental Committee to inquire into the operation of the Act of 1883, I will, of course, consider that point, and if the noble and learned Lord will allow me, we will communicate with him before the Bill leaves the House. With regard to the other remark, that perhaps officials, when discharging duties of this kind, have a tendency to run too much in the same groove, that may be an accusation which is not altogether without ground as regards officers of some of the public Departments, and if it is to be brought against officers of the Board of Trade, I think it must also be with regard to officers who have to perform public functions under the existing law.

On Question, agreed to.

Bill read 2ª accordingly; and committed to the Standing Committee for Bills relating to law, &c.

WESTERN AUSTRALIA CONSTITUTION BILL.—(No. 184.)

House in Committee (according to order); Bill reported without amendment; and to be read 3ª to-morrow.

METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT BILL.
(No. 168.)

Order of the Day for the Second Reading, read.

LORD MONKSWELL: My Lords, I am surprised to find that the Railway Companies have petitioned against this Bill. The matter has been well thrashed out by the House of Commons, and I have not been able to find out that the Railway Companies then expressed any dissatisfaction with the object of the measure now before the Committee. It is a Bill promoted by the London County Council at the instance of the Vestries and District Bodies. This Bill proposes to do away with some obvious defects in the law, in regard to the paving of roads and ways. The first two clauses merely define the purposes of the Act. By Clause 3 any Vestry or District Board may, from time to time, repair or pave roadways within their parishes or districts, although such roadways may not at the time of the work being done have become reparable by them. According to the Camberwell Vestry case, if a Vestry or District Board repairs a road, however slightly, they are held to have taken it over, and cannot afterwards recover the expense of paving the street. This is an unsatisfactory state of the law. It is sometimes necessary for District Boards or Vestries to pave streets partially, inasmuch as the inhabitants may squabble among themselves about it, and the road is left in an inefficient state of repair, but under this provision the Local Board may do the work and recover the expense of paving the street, when it shall become a new street under the Metropolis Management Act. By Clause 4 a penalty is provided for the commission of illegal acts in regard to sewers or drains made contrary to approved plans. By Clause 5 penalties are imposed for certain other illegal acts in regard to making connections in sewers. Clause 6 is for the purpose of enabling Vestries or District Boards to take portions of houses and property, as they may require, for purposes of improvement, if in the case of houses or buildings such portions can, in the opinion of the jury, be severed without material detriment to the rest of the property. Under the present law Vestries and District Boards may be required or compelled to take thousands of pounds' worth of property for the purpose of carrying out an improvement, with the result that in many cases improvements are not effected which otherwise would be carried out. By Clause 7 the subsoil under a street or roadway and so on is not to be removed without the consent of the Vestry or District Board, and without complying with such conditions in regard to securing foundations and so on, as the Vestry or Local Board may impose. At present damage often arises from the method of filling up sites with rubbish. In that way have been caused subsidences of pipes, with resulting explosions. I may mention that this clause was carefully considered in the House of Commons when the clauses were gone through one by one. I need not trouble your Lordships with the remaining details of the measure, and I beg to move that the Bill be read a second time.

Bill read 2ª (according to order), and referred to a Select Committee.

INTESTATES ESTATES BILL.—(No. 148.)

House in Committee (on Re-commitment) (according to order).

*LORD STANLEY OF ALDERLEY: I hope your Lordships will not proceed with this Bill. Almost all the Peers belonging to Ireland are opposed to it as contrary to the customs and wishes of the agricultural classes in Ireland; and the same reasons that make it objectionable in Ireland make it objectionable to the agricultural classes in England, which furnish most of the intestates. No cause has been shown for altering the law, and it is a great objection to such changes, that it is a long time before such changes become generally known to intestates, whose intentions to abide by the actual law are thus frustrated.

*LORD BRAMWELL: This is a speech against the Second Reading. As the noble Lord has said that all the Irish Peers are contented with it, and it is only an English Peer who is discontented, that certainly seems, if I may venture to say so, rather an Irish mode of objecting. I hope your Lordships will adhere to your opinion with regard to the Bill on Second Reading.

THE MARQUESS OF SALISBURY: I must venture to demur to the doctrine of my noble and learned Friend who has just sat down with regard to Second Readings. The other night we were told by noble Lords that when a Bill is read a second time that is only meant to express agreement with a principle, and not giving a pledge that certain things ought to be done. If that doctrine is correct, and if we are now to be asked, as my noble and learned Friend asks us, when we get to this stage not to object on the ground that we have given our assent, it seems to me that our opportunity of objecting to Bills is reduced to very slender proportions. I do not object very strongly to this Bill, although I do not know why the widow should have exactly £500—why that should be the sum fixed—and although I do not know why no account should be taken of anything that has been done for her during the lifetime of her husband. However, I do not think it is a measure of very great importance, and I therefore do not offer any resistance.

Bill reported without further amendment; and to be read 3ª to-morrow.

BOILER EXPLOSIONS ACT, 1882, AMENDMENT BILL.—(No. 164.)

Amendments reported (according to order); and Bill to be read 3ª to-morrow.

BARRACKS BILL.—(No. 163.)

Read 3ª (according to order), and passed.

CUSTODY OF CHILDREN BILL.
(No. 98.)
THIRD READING.

Order of the Day for the Third Reading read.

*THE EARL OF MEATH: My Lords, before this Bill finally passes from your Lordships' House I should like to return my thanks to the Lord Chancellor for having consented to carry out what I proposed to do in another Bill which was referred to the same Committee, namely, the Protection of Children Bill. I desire also to thank the noble Lord for having practically permitted the addition to his Bill of clauses which were the principal ones in the Bill I had the honour to introduce into this House. It will be within your Lordships' recollection that I have, on several occasions, drawn the attention of your Lordships to the difficulties under which philanthropic persons and institutions labour under the present law, owing to unworthy persons taking away their children from them just at a critical age, and just at the time when they can earn money for those unworthy parents. By the introduction of this Bill by the Lord Chancellor, and owing to the inclusion of some of the clauses which I have proposed in the Protection of Children Bill, I hope that those institutions and benevolent persons will find it much easier to carry on their work than they did formerly. I feel that this Bill, going forth from your Lordships' House with the sanction and with the power of the Government at its back, it will be much more likely to succeed in passing the other House than it would have had if it had borne my name. I hope, therefore, the Government will do all they possibly can to pass this Bill through the other House, and that it may prove a very great benefit to the large class of persons and children who are interested in it.

Bill read 3ª (according to order), and passed, and sent to the Commons.

BIRSTALL WESLEYAN CHAPEL TRUST SCHEME CONFIRMATION BILL.—(No. 204.)

PUBLIC LIBRARIES ACTS AMENDMENT BILL.—(No. 205.)

REMOVAL TERMS (SCOTLAND) ACT, 1886, AMENDMENT BILL.—(No. 206.)

Brought from the Commons; read 1ª, and to be printed.

ADMINISTRATION OF THE LAW.
OBSERVATIONS.

*LORD ESHER, in rising to call attention to alleged defects in the administration of the law, and to ask Her Majesty's Government whether they will issue a Royal Commission to inquire into such alleged defects, and to propose remedies for such as are found to exist, with a view to immediate legislation, said: My Lords, with as little pleasure in doing it, as your Lordships will have in hearing it, I have undertaken to talk law for some quarter of an hour. Some 15 years ago the administration of the law was much altered by the passing of the Judicature

Acts; that the Judicature Acts have done much to ameliorate the administration of the law I think cannot be doubted, but some defects are alleged still to continue, and some defects are said to be even increased by the working of the Judicature Act. These alleged defects are put forward by people of weight and consequence, and I think ought to be carefully considered. I propose to name several alleged defects and to examine into them shortly, and to say that, as far as I am concerned, I think some of them will be found not to be established, but that some of them, and those very important defects, are established. Still, I cannot propose to act upon my own opinion, from which other people may differ; and what I ask, therefore, is that those allegations should be inquired into. Now, one great defect which it is said exists is the delay of the trials of disputes between parties, and that there is a considerable delay in some parts of the administration of the law I think is clearly made out. I am happy to say that in the Court to which I belong there really is at present no delay and no arrear. I think that in the Appeal Court there is no case coming from the Queen's Bench Division which is more than four months old, and the number of appeals yet untried are not more than 24. From the Chancery Division the number of appeals yet untried are not more than 16. I think that, considering some years ago the arrears from the Queen's Bench Division were some 260 appeals, and that some of them were more than two years old, the way in which they have been worked down cannot be held to be otherwise than satisfactory; but with regard to the Chancery Division and the Queen's Bench Division the case does not stand so well. In the Queen's Bench Division itself, taking the cases before the Divisional Courts, I do not think there is any considerable arrear; but with regard to the cases to be tried by Judges with juries, or by Judges alone, there is, most unfortunately, a very great arrear. There are arrears in London and Middlesex of trials by special juries at the present time 280 cases, and of Common Juries 176 cases, and of non-jury cases, that is cases to be tried by a Judge without a jury, 440. So that the total arrear of causes at present in the Queen's Bench Division amounts to 896. But it should be recollected that in the Queen's Bench Division the number of Judges who would have had to try these causes has, for the last year or more, unfortunately been very much diminished. There were two Judges taken off for nearly a year for a Commission, which is now famous, and there have been, unfortunately, since that time two more of the Judges absolutely disabled for a time during illness. Still, that is a great arrear. Then, in the Chancery Division, there are at the present time to be tried, that is for the purpose of the trial which is to fix the rights of the parties, 456 witness actions and 101 other actions, making 557 yet untried. The oldest of those causes was entered in January of this year, and many of them date back as far as June of this year. I think that is a painful arrear, and that matter, I think, therefore, should be inquired into. Now, one great allegation against the administration of the law is that appeals are too numerous, and, therefore, oppressive. It is very popularly said there are four appeals. The instance always given is, that you first take a case before a Master, then before a Judge, then before a Divisional Court, then before the Court of Appeal, and then to the House of Lords. It is generally so stated, as if that were the case in almost every instance of an appeal. Now, I have had a Return made of a number of summonses in Chambers, which is the first step, during a year, and I take the year 1888-89. In the Queen's Bench Division there were before the Masters in that year 37,400 summonses heard. Of those there was that which is hardly an appeal —that is to say, a reference to a Judge in Chambers — in only 3,636 cases. Going from the Master to the Judge in Chambers is not an expensive thing; we never call that an appeal, and really it is not expensive at all. Now, of those 3,636 cases heard by the Judge in Chambers 634 only went to the Divisional Court, and of those 634 which were taken to the Divisional Court only 85 came to the Court of Appeal. Therefore, so far from it being a common thing that every summons before

the Master—or nearly everyone—goes from the Master to the Judge, and from the Judge to the Divisional Court, and from the Divisional Court to the Court of Appeal, the truth is that out of 37,400 summonses in one year—and in almost every year it is about the same—heard before the Master only 85 go to the Court of Appeal. With regard to going on to the House of Lords, I believe the fact is that there has been only one such case in five years which went to the House of Lords, and in that case the House of Lords overruled the decision of all the other Courts. Therefore, as it seems to me, the case alleged of too numerous appeals is hardly made out. Then there is another matter to which I must refer, that is, that in those 83 cases, out of the 37,400 which have come to the Court of Appeal the appeal was by no means frivolous; although upon some point of practice it was very often a point of very great importance. It might involve the construction of the Rules, which are not always easy to construe, but it very often concerns a matter of the greatest importance. Suppose that an Order has been made for a Commision to go to China or Japan or India. If that Commission goes out it costs hundreds of pounds, and causes a delay of months; and if the Order has been inadvertently passed by the Master and the Court of Appeal is applied to, and reverses the Order for the Commission, there is an end of it, and the Court of Appeal has saved the parties some hundreds of pounds and a delay of months. So much with regard to the practice appeals. Now with regard to appeals from trials, there were in one year in London and Middlesex 1,179 cases tried by the Judge or the Judge and jury, and 844 on the Circuits; that is to say, there are 2,023 causes tried in the year. With regard to those causes which have been tried to the extent of 2,000, some of them are tried by a Judge without a jury, and some of them are tried by a Judge with a jury. With regard to those tried by a Judge without a jury, the appeal has been and is direct to the Court of Appeal. It does not go to a Divisional Court, and then to the Court of Appeal; it goes straight to the Court of Appeal. Those tried by a Judge and jury, up to this time, have gone to the Divisional Court, and from the Divisional Court there has been a second appeal to the Court of Appeal. In the year in regard to these 2,000 causes, there were appeals direct to the Court of Appeal in 137 cases; that is to say, there were 137 appeals direct to the Court of Appeal where the case had been tried by a Judge without a jury, and of those tried by a Judge and jury, there were 118 motions for a new trial of them in the Queen's Bench Division. Of those causes, 63 were appealed from the Divisional Court to the Court of Appeal. So that the appeals out of those 2,000 causes that have been heard in both Courts together are 255, and of those, up to the present time, there has been a double appeal in only 63 cases. Now by the Bill which is before your Lordships' House, which was brought in the House of Commons by Mr. Finlay, those 118 appeals in regard to new trials which went to the Divisional Court would come straight to the Court of Appeal. So that out of the 2,000 cases which are tried in the course of a year, there will be 255 appeals direct to the Court of Appeal, and, therefore, only one appeal, unless they go on to the House of Lords. How many cases come to the House of Lords I am not prepared to say; many noble Lords here will know that much better than I do; but I apprehend myself there are not more than about 20 in the course of the year. So that I cannot think the allegation of too numerous appeals is really made out. And I may say this, that I do not think an appeal to the Court of Appeal is a very expensive matter. I have inquired into it carefully, from practitioners in London and elsewhere, and I do not find that is the expensive part of litigation; other people may have different opinions; I have given mine, that neither as to practice cases, nor as to other trials, are the appeals frivolous, and I do not think, after that statement which I have made to your Lordships, they can be said to be exceedingly numerous. Now, the next and most important allegation in regard to the administration of the Civil Law seems to me this: that the expense of actions is far too great, and it is further said that the expense of actions has been increased since the Judicature Act came into operation instead of being diminished. I have come to the conclusion myself that that allegation is true, and that the expense of actions is far greater than it

ought to be. When I come to consider what the cause of it is, the very first fact is the fact that I have mentioned, namely, that amongst the summonses, of which there are 37,400, before the Master, I cannot help thinking that there must be a great many more summonses that there ought to be. Opportunities for summonses are given in the hope that those summonses may do good; but we find in practice that wherever parties have an opportunity of making any movement in a Court they are sure to make it, and the numerous opportunities for summonses which were instituted under the Judicature Act, in the hope of shortening cases, have been invariably used to their full extent, and have lengthened causes, and caused great expense and delay. The chief cause of expense in summonses has been the constant use in Common Law actions of summonses for discovery, and the use of summonses for the purpose of interrogating parties. The truth is that in the Court of Chancery a great part of their administrative system was carried out by discovery and inspection of documents and by interrogatories, and when the Judicature Act was passed a person of great influence, that is to say, the late Master of the Rolls, Sir George Jessel, was strong enough to carry into the new rules the Chancery system, not merely the Chancery principles, but the Chancery procedure in Common Law actions. In my opinion that system is not fit for Common Law actions, and I think it causes great oppression. It is just this. Take the case of a dispute between two merchants in the City of London about the construction of a contract, or about the delivery of goods or the non-acceptance of goods. The parties begin on both sides by asking for discovery, the meaning of which is that each party asks the other, "What books do you keep, and how many books did you keep with regard to this matter," and then, having obtained an answer to that from the other party, you are obliged to go to the merchant and get an affidavit as to that. Then the next thing is to say, "We want to inspect the merchant's books," and then the attorney or the attorney's clerk goes to the merchant's office and ransacks his ledgers and letter books, and I do not know what, not only to the expense, but to the disgust of the merchant, who does not like to have his books gone into in that way, and very little good ever comes of it, for in almost every case it comes to nothing. Then, as to the administration of interrogatories. The system of administering interrogatories in an ordinary case is a system of the most oppressive kind. It is almost invariably used, because it can be used, and, therefore, if your baker brings an action against you he first asks you whether you keep a diary, and then if you do he asks to see it, and then he asks to see his own bills which he has given you, and then he interrogates you upon them, and the interrogatories go sometimes really to matters which would not be allowed to be asked even at the trial. In the City of London I am told this is a great cause of the increased expense of causes, and it is a cause of the greatest possible irritation; that instead of the dispute between two merchants being managed until it comes to trial by their solicitors, the merchants themselves are tormented by having to make discovery and make affidavits and answer interrogatories, which they generally have to answer by saying they know nothing about it. But then if they say that, there is at once an application made for what is called a further and better answer. Why for that purpose the Chancery practice is to be used in ordinary common law or mercantile causes I cannot understand, although I say again other people may be of a different opinion. It is considered to be expensive, oppressive, and to cause infinite delay. I think that is a grievance which ought to be inquired into and, if possible, met. Then the next complaint is in regard to the delay in trials. I have shown your Lordships already that there is a delay in trials both in the Common Law Courts and in the Chancery Division. That delay, of course, is the result of many causes, but one of the very first causes is this multitude of summonses, because if you have a multitude of summonses one after another, and more particularly these summonses as to discovery and interrogatories, until after all that has been got rid of and passed through at great expense and with great delay of course the trial cannot go on. Those summonses, therefore, are the

cause of a great part of the delay. Well, another thing which causes delay in London and Middlesex is said to be the want of a sufficient attendance of Judges in London. The want of a sufficient attendance of Judges in London has been the result up to the present time, first, as I have said, of the illness of some of them; and, secondly, of the employment of some of them upon other matters. But there are other reasons. The Judges are bound to go circuit. The number of circuits have been increased, and therefore every time you increase the number of circuits you, of course, increase the time during which a certain number of Judges are absent from London. Can this part of the cause of the delay be cured? I have already suggested that the quantity of summonses can be cured, because I think, after looking into the matter carefully, that a vast number of them can be got rid of altogether. With regard to these interrogatories and summonses for discovery they must be bridled and limited by some rule or other, so that they shall only be used in cases where they are really wanted. But with regard to the absence of Judges on account of going circuit, I cannot help thinking that it is worth while to consider whether at the present time there are not too many circuits. There are three or four circuits now—I forget which at the moment—for the trial of prisoners. The Judges are obliged to go to every county for the trial of civil causes. In many of the counties the number of civil causes has become very small indeed, and yet the Judges are obliged to go there to be ready to try them. One mode of obviating the necessity of Judges having to go to each county for the trial of a very small number of civil causes would be this: The railway system has brought the Assize towns practically much closer to each other than they were in former times; and many of those who have had to consider this matter (as far as I know, all of them) have come to the conclusion that one mode of saving time would be to, what has been called, "group" the trials of civil causes on Assizes, or, in other words, to take the central towns as representative of those immediately round, and to decide all the civil cases there, taking care that the parties to them and their witnesses are not brought too far; that is to say, instead of trying civil causes in each town, to try them in some representative or district town. I think there was a resolution of the Judges that it was advisable that it should be carried out, but it has not been acted upon, and I should like that point to be further considered. Then as to the number of Criminal Assizes. It has been proposed that there should be a less number of Criminal Assizes, while, to meet the difficulty that would be presented of keeping prisoners too long in prison waiting for trial, if there were only a few of them, it was suggested by many of the Judges at one time that in each county the Quarter Sessions should be held half-way between the Assizes. We should thus have got rid of many of the criminals, who many of the Judges think ought all to be tried at the Assizes whenever there are any in prison at the time. It was objected on behalf of the counties, and I think it was a weighty objection, that that would call the Justices together at Quarter Sessions at inconvenient times when not necessary for the county business; but at the present time the Justices have been relieved of many of their duties in reference to the county business by the County Councils, and there would be nothing unfair to them in such a proposition in regard to the criminal business; and I think we could now get the country gentlemen to take the Criminal Sessions half-way between the Assizes. One or two of the Justices would, I think, be willing to act for that purpose. If that were done, you would have in most counties only two or three Criminal Assizes, and you would consequently have the Judges kept out of London for a much shorter time. Then there is another thing as to criminal procedure which might well be done now. A man is put into prison and kept there before trial. In certain cases he might be let out, but people will not go bail for him, and he cannot get bail. In the old condition of things in England if a criminal were not imprisoned until trial, he might get out of the way and you might never see him again; but I cannot help thinking that in the present condition of England that

is next door to impossible; and I think a great number of prisoners might be let out on small bail, or without bail, on condition that if he moved away from his ordinary residence or left the district without giving notice to the police he might be re-apprehended and put into prison. That would secure their appearance if they attempted to get out of the way. By those means you could diminish the number of Criminal Assizes, and you would have the Judges kept out of town a less time for the purpose of trying prisoners at them. Of course, the more you succeed in doing that the more you would obtain the services of the Judges in London. Those are methods which I think in the Common Law Division you would be able to keep the Common Law Judges longer in London than they are now, and they would, of course, be able to deal with the cases to be tried in a more satisfactory manner. Now, it has been suggested that there should be an increase in the number of Judges in the Queen's Bench Division. I have considered that matter also. Everybody must be of opinion, I should think, that it is not well to have too many Judges; and I have come to the opinion myself that if these other arrangements were made, there is no occasion in the Common Law Division to increase the number of Judges. There is another grievance as to the mode in which the civil cases are dealt with in the Queen's Bench Division. It is difficult to make out where a case will be really tried when there are a good many Judges trying causes, and there are now a great many more than there used to be. Of course, there is but one Judge trying each list of cases before him. Those cases are put down for trial before that particular Judge in their order. But if the Judge who has those cases in his paper on one day does not try them all, they are not left to be tried before him, or even in the same Court, but they are very likely transferred on the next day into another Court for trial before another Judge. The result is, that your case may be put into the list in Court I. It is at the bottom of that list. All the cases before yours are tried. If your case remained in that Court it would be the first in the next day's list; but that is not the way it is done. It is taken into another Court, and, instead of being first in the list and tried at once, you may be kept there all day, because perhaps it is the last in the list in the next Court. That has been the cause of a great deal of irritation; and I think it might be cured by some arrangement for consultation as to the mode in which the lists of cases are to be managed. As to the mercantile cases, it has been said by people of considerable weight in the City that they are driven out of the Queen's Courts and into arbitration, or forced to settle their cases because they cannot get them satisfactorily tried in the Queen's Courts. There was a great grievance felt about that. Their cases were put into the general list. You might, therefore, have a mercantile case between merchants placed in the list in one Court, but, as I have stated, not reached, and the parties would be brought from the City into another Court on another day, and, considering the nature of their business, and what a burden it is for them to be present for two days in Court with their witnesses, that was recognised to be a great hardship and inconvenience; but by arrangement with the Lord Chief Justice, having regard to the practice in the City, this grievance has almost vanished; the City causes are put into a list by themselves, and they are called on one after another; but in the City these formal applications which I have mentioned as oppressive upon mercantile men, with regard to inspection of books, answering interrogatories, making affidavits, and so on, affect them very much, and for these reasons they have a disinclination to go to law. Now, I come to the Chancery Division. There are grievances with regard to the Chancery Division. That matter was inquired into in 1875 by a Committee over which I presided, not composed of Judges or lawyers alone, but of Judges, lawyers, and some merchants. That Committee reported to the Lord Chancellor that there were grievances as to the mode in which the business of the Courts of Chancery was conducted. The defects there are said to be these: In the Chancery Division cases are now tried with witnesses instead of an affidavit. They are called witness-causes, and they may be taken before any of the Chancery Judges. A case is not transferred except under particular

circumstances from the Judge in whose Court it is. If, therefore, he has witness-causes to try, he can only give a certain number of days in the week to the trial of witness-causes. The result is, that he may be trying a cause with witnesses on the two days in the week that he may give to hearing such causes. He has not then finished the cause, but he does not go on the next day until he finishes it; he postpones it until the next week, and the parties who may have come from a distance must go away with their witnesses, and come up again the following week. That system has caused very great inconvenience, and constantly causes very great expense. There is one Judge in the Chancery Division who tries witness-causes only, and the hearing of the causes put down for trial before him goes on one day after another until they are finished; but causes of that description may be put down before the other Judges, and, if so, they are taken in that way. Another cause of complaint in the Chancery Division is this: When the case after the decree is pronounced has to be worked out, that has to be done in the Judge's Chambers before the chief clerk, and the way they proceed, necessitated, I suppose, by the magnitude of their business, is this: The chief clerk generally gives an appointment to the parties for an hour only, and when the matter goes before him, therefore, the hour is up before much has been done, or, at all events, before the matter is finished, and he stops that case in order to go on with another. He is then asked by the parties when they are to come again; and he tells them they must go down to the bottom of his appointments. So that after having been before the chief clerk with their witnesses for an hour, the matter, so far from being finished, has hardly been begun, and the parties are sent away. But they do not go on the next day; they have to take an appointment at the bottom of his list, which may throw them over a month. They then have to come up again with their witnesses for another hour; they cannot finish then, and they are sent away again. That seems to me to be a matter which ought to be cured, and which can be cured. I will say no more than that. An elaborate Report was made by that Committee upon the subject, and when you look at the large business that is done in the Chancery Division, notwithstanding the Judges have worked extremely hard, as it is well known they have, your Lordships will not be surprised when you see the arrears as compared with those which I read at first. At the present moment there are 557 cases in the Chancery Division which are not heard, and they are practically 9 or 10 months in arrear. We came to the conclusion then that we ought to have another Judge added to the Chancery Division, and I should like to have that well considered now; not adding one to the Queen's Bench or taking away any, for there is not one too many, but adding another Judge in the Chancery Division with a proper staff. We might then have two Judges in the Chancery Division trying what they call witness cases. There is another matter in regard to the Chancery Division. A great many of the cases which are now brought in the Court of Chancery are really Common Law cases—real pure Common Law cases. It is said, but I cannot vouch for the fact, that costs are more liberally allowed in the Chancery Division than in the Common Law Division, and that that induces some people to take a case into the Chancery Division. If that be true, the matter ought to be looked into. We ought to look into the costs of both Divisions, and see whether with regard to the very same kind of action the costs ought not to be the same, so that that temptation may be taken away, and then the cases should be sent where they ought to go, that is to say, to the Common Law Division. Now, so far, I have gone into the question of the administration of the law in civil actions. I do not pretend that I have exhausted it, but I have shown heads which I think justify inquiry, and which ought to have speedy treatment. But now I come to one of the most important things in my view, that is, the criminal administration, and I cannot help thinking that the burning question with regard to that is the question whether there ought not to be a Court of Criminal Appeal. If there is to be a Court of Criminal Appeal what ought to be considered about it with regard to the extent to which the appeal ought to be allowed? There has arisen a state of things which I cannot help thinking is most dangerous with regard to the administration of the Criminal Law.

Now-a-days, the moment a prisoner is condemned to death or to any severe punishment, that is done which never was done before, the attorney for the prisoner endeavours to get it set aside. Up to a very late date, according to my recollection, and as far as I have ever known, the two people who could not interfere after the trial of a prisoner either on his behalf or against him were his counsel and his attorney. But now the constant practice is that the moment a prisoner is convicted and sentenced to a heavy punishment his or her attorney immediately begins to set about to get up petitions in favour of his client. It must be and is well known that he gets the petitions signed by people who cannot possibly know anything about the case. Multitudes of people sign a petition which is drawn up by a prisoner's attorney before they see it—without seeing what the petition states they sign their names. Then the next point is to get a Member of Parliament to ask a question of the Home Secretary in the House of Commons, and pressure is then put upon the Home Secretary. If that is allowed to go on it will practically produce an appeal to the House of Commons in each case. The Home Secretary used hardly ever to be invoked unless for the purpose of mere mercy; but now he is invoked on almost every occasion, and asked to consider whether the verdict of the jury and the sentence of the Court were both right. It has become a question of an appeal to the Home Secretary, it is nothing else. It is not the exercise of the prerogative of mercy now, it is an appeal to the Home Secretary to revise and overlook the verdicts of juries and the sentences of Judges. In my opinion it is in many cases necessary, and it is well recognised, I think, that the verdicts of juries in criminal cases ought to be re-considered, and that the sentences of Judges ought to be re-considered; but I say that to leave those two things or either of them to be done by one man is throwing a greater weight upon that one man, however high his character or great his ability, than he is able to bear. I, therefore, for one, suggest that there should be a Court of Criminal Appeal created, and that it should be empowered to deal to the same extent as the Home Secretary is able to deal now with criminal verdicts and sentences, that is to say, that they should re-consider them carefully and investigate with the utmost patience, in order to see whether the verdict may not unhappily have gone wrong, and that they should have the power of advising that sentences should be altered and to what extent. Of course, that there should ever be a new trial of a prisoner who has been acquitted is contrary to the law of England. In my opinion, the Court of Appeal might absolutely set aside a conviction if satisfied that there had been a wrong conviction; but to try a prisoner over again would be contrary to every principle of English law. It is also contrary, in my opinion, to every idea and principle of English law, that a sentence which has been passed by a Judge should be increased. But a sentence which is too severe may be diminished. I cannot see how that can injure anybody, and it is no more than justice to the prisoner. My suggestion for a Court of Criminal Appeal is not that it should be a changing Court as in our present Courts, with the Judges changing from day to day, but that there should be a permanent Court of experienced Judges nominated by the Crown, and that that Court of Criminal Appeal should have the power of setting aside a conviction when they came to a clear conclusion that it had been wrong, instead of the matter going before the Home Secretary, upon whom the burden cast is too great, and also that they should have the power of diminishing sentences when they thought those sentences had been too severe; and that for the purpose of doing either they should not be confined to the strict laws of evidence, or to any other strict law, but that they should be allowed to take into consideration, as the Home Secretary now does, any circumstance, either before or after the trial. They should take into consideration any circumstance which might be brought before them. But, nevertheless, the institution of a Court of Criminal Appeal should in no way interfere with the exercise of the prerogative of the Crown in dispensing mercy, either before or after an inquiry by the Court of Appeal, but such mercy should not be extended on the ground of either a wrong conviction or a wrong sentence, those being questions left for

the determination of the Court. That prerogative should be exercised by the Crown just as it is now. Then it may be said there might be a difficulty in getting this Court of Criminal Appeal to meet. My suggestion is, that the Judges nominated on that Court should undertake—it will be a fresh burden upon them, but they must undertake it—to hear any criminal appeal within, say, three weeks, or such other time as might be limited, but a very short time after the trial, when it was desired to revise the sentence. At any time of the year they must be ready to attend the Court, for promptitude in these cases is a matter of essential importance. My Lords, these are matters in the administration of the law which I cannot help thinking of great importance all of them. They are defects which it may be made out—they are all alleged defects—which ought to be inquired into, and if they are found to exist they ought to have a remedy applied to them. I have thought that the best way of getting people to consent to be convinced that some of them were, perhaps, not well founded, and as to those which might be found to be existing, the best way to consult upon their remedy, and to suggest a remedy, was to have a Royal Commission, a Commission not of Judges alone, not of lawyers alone, but of persons of experience in business, in country life, and in London life; and then, if they come to an accord, I have thought myself that any legislation would be greatly facilitated if brought forward by the Lord Chancellor. As has been said by a noble and learned Lord (Lord Bramwell) to-day of himself as a young Parliamentary hand, I do not pretend to have any experience as to Parliamentary procedure. I find myself generally wrong if I attempt to do anything in the Parliamentary way, and if my noble and learned Friend on the Woolsack thinks there is any other mode of getting at the facts and carrying out this inquiry, of suggesting a remedy and getting that remedy carried out in any better way than by a Royal Commission, I am quite ready to accede to that. But this I will say, that having brought my mind that at all events some of these things would be for the benefit of the law, as far as I am concerned, I will never stay my hand until I have had the matter fully inquired into, and until I have either through a Royal Commission or in some other way secured a suggestion for remedies which I think may be carried out by the Legislative.

THE LORD CHANCELLOR: I do not suppose there is any one of your Lordships who will deny the importance of the several topics to which the noble and learned Lord has called attention. The difficulty one has in following him is that the topics are so wide and so important, and have been spread over such a considerable field, that, with regard to some of them, it is impossible to suppose they are proper subjects of inquiry. They are subjects of high State policy, upon which we are quite prepared to consider any legislation which my noble and learned Friend may think proper to bring forward. I shall have a word or two presently to say upon the other points in his speech; but upon the subject of his last observations in regard to a Court of Criminal Appeal, I have only to point out to him that an increase would be necessary in the number of Judges. He says there is already considerable arrear in the performance of their duties by Judges of first instance in the Queen's Bench Division, and the creation of a Court of Criminal Appeal, would involve the necessity of adding other Judges, increasing their labours by the necessity of sitting within three weeks of the conviction appealed from. A prisoner could not be worse off, and might be better off, by an appeal, and it would not be unnatural, therefore, to suppose that everybody who is convicted would like to take his chance of getting off rather than he would remain under the sentence of the Judge who convicted him. I only point that out to my noble and learned Friend as showing the difficulty which arises from spreading over so wide a field matters, some of which might need inquiry, and others might be made the subject of legislation, if my noble and learned Friend thinks proper to bring it forward. I cannot help thinking that in the latter part of his speech, he, to some extent, filled the character of Balaam; because, having begun by showing defects in the administration of the law——

*LORD ESHER: May I ask my noble and learned Friend to forgive me? I said "alleged defects."

THE LORD CHANCELLOR: I am not quite certain that one gets rid of an observation by introducing a qualification of that sort. I am at a loss to know what is meant by an alleged defect, which is not a defect, for which a remedy is desired. He has at all events suggested to your Lordships that, so far as the Court of Appeal is concerned, it gets through its work extremely well, and is in a highly satisfactory condition. Of course one is glad to hear that thus there is a sort of favourable contrast with other Courts. But there was one factor in that problem which he omitted to notice. The Judges of the Court of Appeal are supposed to have undertaken to go circuit if necessary, but they have been relieved from that necessity; and they have thus escaped duties which have now to be discharged exclusively by Judges of the Queen's Bench Division. It is not unnatural, under those circumstances, that the Judges of the Queen's Bench Division have not been able to get through their work. Therefore, it is not a full statement of the case to say that the Judges of the Queen's Bench have not been able to get through all their work, while the Judges of the Court of Appeal have done so, because there has been a transference of work from one set of Judges to the other. Now, with reference to the alleged defect by reason of delay, I think my noble and learned Friend has hardly done justice to the course of legislation as affecting our administration of the law in later years. For very sufficient reasons I think the Legislature has determined that parties should be admissible witnesses, and also that in the Courts of Chancery oral testimony should be substituted for written proceedings in the trial of causes. The inevitable effect of these two changes has been that causes last a great deal longer than they used to do. What is known as a "short cause" has almost disappeared; wherever there is a question in dispute plaintiff and defendant and their witnesses have to be called to contradict each other, and the natural consequence is that the hearing of causes is prolonged. In spite of these changes, however, the work of the Courts is done more quickly, and judgments are arrived at more rapidly, than they used to be in times past. My principal objection to the suggestion that we should institute an inquiry as regards many of the matters mentioned by my noble and learned Friend is that, if the defects exist as he states them, the facts are susceptible of being ascertained by the Rule Committee, of which the noble and learned Lord, like myself, is a member. If there are these great defects, two of them to which he gave the adherence of his own weighty opinion, namely, the abuse of the system of interrogatories, and of the inspection of documents, summonses, and so forth, are defects which would be manifest upon very short inquiry by himself and the other members of that Committee, and they are susceptible of being removed by the Committee. They have complete jurisdiction, and the Rule Committee was intended by the Judicature Acts to have complete jurisdiction in order to get rid of any defects in the administration of justice which might be found to exist. During the last five years, I can answer for it, my noble and learned Friend has not brought before the Rule Committee or suggested any rule or order with the object of remedying any of these alleged defects. I can assure him, as far as I am concerned, and I think I can answer for the other members of the Rule Committee, that the Committee will now gladly receive and consider any suggestion he may make for the purpose of removing these defects. Then my noble and learned Friend referred to the Committee over which he presided; but he does not seem to be aware that out of 41 suggestions that have been reported by that Committee, it has been my pleasure and privilege to carry 21 of them into effect, and that the whole of them would have been, at all events, attempted—I do not say successfully—to be carried into effect but for the difficulty of procuring the assent of Parliament to the appointment of a sixth Judge in Chancery, as he recommends. That is also a question capable of being brought before the House. Are we to suppose that the inquiry already made before my noble and learned Friend and his Committee is to be thrown away, and that we are to begin again *de novo* to inquire into the subject as if there had been no such inquiry? I have here the Report of the Committee, which extends over 108 pages. A great many witnesses

were examined, and the Committee came to the conclusion I have referred to. All that the Committee recommended which could be carried into effect has been done. I may remind the noble and learned Lord that he was himself a party, a short time since, to making a new rule or order that would have a considerable effect in saving costs, and which was made for the purpose of rendering the costs in the different divisions of the Courts the same. That has not been so long ago as that one can safely say yet that it has failed. Then, with regard to the only complaint as to our usual administration of justice, which my noble and learned Friend put forward as being a necessary subject for inquiry, I think it will be found that the noble and learned Lord has, on more than one occasion, admitted that, according to his judgment, from the inquiries he has made, many of the complaints that have been made against the administration of justice are unfounded. I think if, with his experience and his knowledge of the subject, he thinks they are unfounded, and says so, it cannot be said to be desirable that a Royal Commission should be appointed to inquire into them when we have his own authoritative statement that they are not so well-founded as some people imagine. Then, as to the Circuits, the noble and learned Lord thinks that the Circuits ought to be diminished, but except in particular counties where the number of the population has been supposed to render it necessary to maintain them, he must be aware that the number of the Circuits has been diminished. That change was made not so very long ago. A Bill was passed last year with the object of relieving her Majesty's Judges when on circuit from the trial of certain classes of heavy cases which had hitherto almost exclusively occupied their time, and which had occupied them longer on circuit than they need be. At this moment I have not the number of criminal cases which they have been relieved from, but it has been not inconsiderable, but the Bill passed last year has been a relief in the same direction. Then, with reference to the suggested relief which my noble and learned Friend mentions as to the sittings of the Courts of Quarter Sessions, I am not aware that any inconvenience is felt in the present condition of things after the passing of that Bill which it is not now perfectly easy to remove without any legislation and without any inquiry. If inconveniences are supposed to exist nothing can be easier than to call attention to them and to endeavour to remove them. My noble and learned Friend has also said that I attempted to carry into effect a resolution of the Judges, to which he has referred, passed with the view of better apportioning the work of the circuits, that is, with reference to the grouping of certain centres of population, and not sending the Judges of Assize to each county in turn. Why, I was met by protests from every county in England, and the opposition to my proposal was headed by the Lord Chief Justice, who is particularly conversant with those matters, and who thought it his duty to publicly protest against the carrying out of the resolution of the Judges. Of course, in the face of such opposition, both by the counties and the head of the Common Law Division, it was impossible for me to attempt to carry that resolution of the Judges into effect by legislation. In such circumstances what possible good could further inquiry do? What further inquiry is wanted on the subject?—because that seems to be the point of my noble Friend's observations. We know what the facts are. If you have only a certain number of Judges, with more for them to do than they can do, the causes must either be delayed or you must increase the number of Judges. My noble and learned Friend is against increasing the number of Judges, at all events in the Common Law Division, and for the purpose of diminishing the difficulties which consequently exist, as he says, at present, he proposes to cast new duties dpon them. I do not think it would be quite desirable to proceed to examine the whole of our Common Law administration, either by Royal Commission or even by extending such observations as I am addressing to your Lordships to-night. Now, turning to the remarks that have fallen from the noble and learned Lord in reference to the adminstration of the Criminal Law, I think the observations made by my noble and learned Friend as to the desirability of bail being allowed, are perfectly well-founded; but the answer which I have

to make is this. I wish to point out that it lies entirely within the discretion of the Magistaates whether prisoners shall be let out on bail or not, and I confess that in these days, when railways and the electric telegraph make it so difficult for persons out on bail to escape from justice, I cannot understand the reluctance of Magistrates to allow prisoners out on bail. The Magistrates can do it if they like, and, as far as I am concerned, I have over and over again protested against the reluctance of some of the Magistrates in this country to admit people to bail, even on their own recognizances. They can do it if they please, and if they think it right to do so. It is only right to observe that at Common Law a misdemeanant is entitled to bail. For reasons which seemed good to the Legislature not so very long ago the law was altered, and it was left to the discretion of the Magistrates whether misdemeanants should be entitled to give bail or not. But that is a condition of things which no inquiry by a Royal Commission could alter. No alteration of the law is required in that respect. It depends upon the modes in which the Magistrates think it right to administer the law personally. I entirely agree with my noble and learned Friend that it is the idlest thing in the world in the present day, when it is so difficult for people to move from place to place without being detected, for Magistrates to manifest so much reluctance to admit to bail, but at present I cannot see why any Royal Commission should be appointed to make a difference in the law, the Magistrates having now full power in the matter. With regard to the creation of a Court of Criminal Appeal, I am afraid I cannot concur with my noble and learned Friend in the observations he has made. For instance, I cannot understand his objection on the ground of novelty to the solicitors of prisoners petitioning the Home Secretary in the interest of their clients. I do not think it is so entirely novel a proceeding that the solicitor of a person who has been convicted of a capital crime should interfere after the sentence and attempt to obtain mercy, as my noble and learned Friend supposes. I suspect that was always done; and why the solicitors or even the advocate for the prisoner should be prevented from doing that I have not the least notion. Lord Esher says there was a rule rgainst it. I never heard of any such rule, nor do I think such a rule every prevailed. I can only say that I know a great many cases in which it has been done, and I doubt whether the practice of their doing so is much more common than it was formerly, although, no doubt, such cases are brought more prominently before the public now in consequencs of the increase of sensational literature. That has, no doubt, increased very much, and public attention has been of late years addressed to such topics much more than it used to be; but why the solicitor who has defended a convicted person should not be allowed to send in Petitions to the Home Secretary, if he pleases to do so, I cannot understand. Neither do I agree with the noble and learned Lord that it would be the duty of a Court of Criminal Appeal only to decrease, and not to increase, sentences, if deemed necessary. On the contrary, in my opinion, it would be the duty of such a Court to pronounce the sentence that the Court below ought in the first instance to have pronounced. I have no desire to make invidious distinctions, but I can remember one very remarkable instance in which, when, in consequence of a case having been tried in the Court of Queen's Bench, it was possible for a new trial to be had, a man who had been indicted was tried before Sir Cresswell Cresswell, and sentenced on his first trial to seven years' transportation. A new trial was ordered, though the Privy Council afterwards held that the Court had gone beyond its functions in doing so; but when the man was tried a second time and convicted, his sentence was not the same, for, instead of seven years' he was sentenced on the second occasion to ten years' penal servitude. That certainly does not show that it is contrary to the law of England that a sentence should be increased. I rather think my noble and learned Friend has been somewhat misled in this matter, having regard to the confirmation and increase of sentences in Ireland. It is quite true that according to the summary jurisdiction in England you cannot increase sentences; but the Irish Act is differently framed, and there is a difference, therefore, with regard to dealing with the sentences of Magistrates in Ireland and England.

Now, on the whole, the only thing I can say to my noble and learned Friend is this: That a great many of the defects in the administration of the law to which he has referred, are, I think, susceptible of remedy, if they exist, under the existing law. Whether they exist or not must be within the knowledge of the learned Judges of the Court of which he is a member; and if the noble and learned Lord will bring forward these matters before the Rule Committee, and make any proposals for amending the administration of the law, I will undertake to say that they will receive the most thorough and careful consideration, with the utmost desire on the part of myself and the other members of that Committee to remedy, and then when we have done all we can, and exhausted that means of remedying the defects which he perceives, and it is found that legislation or inquiry is desirable in addition, in order to do more than we have been able to do by our existing powers, I think then the time will have come when my noble Friend will be entitled to say we have exhausted all our powers, and yet there are defects to be remedied in the English law, and that he calls for a Royal Commission. But until that time has arrived, until he has exhausted that very practical mode of operation, I think it is undesirable and unwise to tear up the Judicature Act of 1875 by the roots to see how the plant is growing. Until then I cannot give the noble and learned Lord any encouragement in the notion that the Government will consent to the appointment of the Commission he asks for.

*The Earl of SELBORNE: My noble and learned Friend opposite has made an important, useful, and interesting speech, but I cannot help agreeing with the Lord Chancellor that he has not made out a case for the appointment of a Royal Commission, though I should be the last person to deny that there may be cases which are best met in that way. But when certain definite allegations are made upon the subjects of delay and of expense, I think it ought to be shown that there is reason to believe that those evils, as far as they really exist, are so connected with the general system of judicature established by law as not to be capable of having remedies applied to them, either by existing authority or by new legislation, as experience may suggest, without taking a step, which, as it seems to me, might involve a general revision of the whole system for which there is no necessity. That, in my judgment, would be an evil, unless there were a necessity for it. I quite concur with my noble and learned Friend in thinking that such evils as unnecessary delay in trial, unnecessary details of procedure which contribute to delay and expense, and unnecessary expense generally, are evils to which the minds of everyone connected with the administration of justice ought to be addressed. But I must say that as to some things which my noble and learned Friend on the Woolsack has adverted, the Council of Judges, or, if necessary, a Departmental Commission such as my noble and learned Friend presided over, have quite adequate powers to obtain the needful information and to suggest the necessary remedies, and I should not feel confident that such a mixed Commission as has been suggested would, as to many things which are so very technical, have equal weight with the other modes of inquiry. Therefore, I cannot but hope that these matters will be dealt with without that elaborate and large machinery. I do not like travelling into the numerous and interesting topics to which my noble and learned Friend has adverted; but I am tempted to say a word or two as to his views of a Court of Criminal Appeal. I shall not say anything as to the abstract desirableness of having some more effective Court of Criminal Appeal than we have at present; but I do think it is necessary, when that matter is considered, that its consequences should be thoroughly considered too. If there were such a Court of Appeal as my noble and learned Friend has suggested, it seems to me there would be a great probability of the criminal work of the Courts being very largely increased, so as to make their existing strength for the trial of civil and criminal cases quite inadequate. If the conditions were such as my noble and learned Friend has suggested; if, as the Lord Chancellor has said, the prisoners may possibly gain, and could not possibly lose, I should imagine that, subject to the consideration of expense which might operate in some cases, it would be the almost

universal practice, in important cases, to make such an appeal. The mere delay entailed would, in cases of capital importance, be a sufficient inducement for an appeal, and would render the carrying out the sentence improbable; because, after a considerable delay, and one or more protracted investigations, there would be very little probability of the capital sentence being carried into effect in any case. But I must go a little further and say, if there is to be such a Court of Criminal Appeal, I think it would never do to give it both the functions of a Court of Law and the discretion of the Home Secretary. If I did not misunderstand my noble and learned Friend, he suggested that a Court of Criminal Appeal should not be bound by the rules of evidence. Now, I do think that is a departure from the principle of a Court of Appeal. The Court of Appeal may be very competent to determine whether there has been a satisfactory trial of a prisoner, or whether there has been a proper sentence passed upon him, and, if necessary, to direct a new trial, or, in some cases, even to reverse a sentence; but to do that as a Court of Appeal, not acting upon ordinary judicial rules, but by way of departure from them, seems to me to be a confusion of functions essentially discordant. And further, I do not believe that the applications to the Home Secretary when the appeal had been heard, and had failed, would be at all less numerous, or that the way of dealing with them would be at all different in its character from what it now is. There must always be a tribunal capable of advising the Crown as to the prerogative of mercy, as my noble and learned Friend himself said; and you cannot exclude, and ought not to exclude, from the consideration of that tribunal matters which are not to be judged by the strict rules of evidence, matters which go to mercy, and which do not go to the correctness or incorrectness of the verdict or sentence. The two processes must, in my judgment, be kept distinct; and I feel tolerably sure that those who imagine that the functions of the Home Secretary and his duties would be materially limited by the establishment of such a Court of Appeal are mistaken. It may be that the reasons for the establishment of such a Court are sufficient to justify all the delays, and all the inconveniences, which, I think, would inevitably arise from it. But, for my part, I am not dissatisfied, from all I can learn, with the way in which the functions of the Home Secretary have been exercised. I agree it is a very onerous duty, but it is a duty which must be discharged. I greatly doubt whether prisoners in general would gain anything by appealing if sentences could be increased; and I am not satisfied that if you had an appeal in criminal cases—I agree, of course, that a man who has been acquitted is not to be tried again—that there is any just or sound reason why, whatever ought to have been the sentence passed in the first instance, whether it be more or less than that actually given, should not be pronounced.

LORD HERSCHELL: My Lords, I should judge from the state of the Benches that this legal discussion has not proved very attractive or exhilerating to the Members of your Lordships' House. Nevertheless I feel it only right to add a few observations, even if it detain your Lordships somewhat longer. The sum and substance of the speech of the Lord Chancellor appears to be this—everything is in most perfect and satisfactory condition; inquiry is not wanted, because we are perfectly acquainted with all the facts; that as to most of the complaints made we have the Rule Committee, which could remedy them at once, eager and anxious to act; and that as to the remainder we have a Legislature prepared to deal with them with great readiness. But, unfortunately, some of these evils have been existing for a long time now, and the Rule Committee does not act, and Parliament does not legislate, and we are left where we were with these evils still unremedied and with the complaints still as serious as ever they were. Now, I quite sympathise with some of the objections which my noble and learned Friend on the Woolsack has urged against the inquiry asked for; but, on the other hand, I think he under-estimates one great advantage which would be derived from such an inquiry. It would bring to a definite point the complaints that are made and the allegations that are levelled against particular parts of our judicial procedure. There would be forthcoming

an authoritative and definite statement as to the existence or non-existence of the alleged evils, and as to the remedies which are desirable or possible; and and that having been done, it would not be so easy for those who have the power of dealing with the matter to hold their hands and do nothing. I am not making any complaint against either the Rule Committee or Parliament. We know the natural indisposition to inaugurate and start any considerable change. There is a certain amount of scepticism as to the existence of the evil and doubts as to whether alterations would be really likely to remove the complaints; and in the absence of something which points definitely to the evils and to the remedies those even who have the power to deal with the matter are indisposed to move. I cannot help thinking that some form of inquiry—it might be by a Departmental Committee—into these matters to ascertain the existence of the evils and to deal with the remedies would be of real value. On one point I cannot agree with my noble and learned Friend who has just sat down, as to the institution of a Departmental inquiry. I think that the addition to the Departmental Committee of one or two gentleman outside the body of the law would be of distinct advantage and would add to the probability of the recommendations being carried into effect. Departmental Committees have been appointed which have had upon them others than lawyers. Take one matter to which my noble and learned Friend opposite alluded, the question of increasing by one the number of the Chancery Division Judges. I think if we had a layman about whom no sort of suspicion could arise, it would be difficult to resist such a recommendation. It is true that was recommended by the Departmental Committee over which my noble and learned Friend presided, but I am afraid there is a little indisposition on the part of Parliament to accept the views of Judges upon the question of additions to their number. There is an idea—I believe it myself to be quite an unfounded idea—that they would be likely to urge additions to their number, with the view of lightening their work. My experience in the House of Commons has told me that that is certainly the impression entertained; and I cannot help thinking that if such a recommendation came with the additional opinion of a layman, it would come with such a weight of authority as would be difficult to resist.

THE LORD CHANCELLOR: If I am right, that recommendation had the additional weight of a layman's opinion, the Member of the Committee representing the Treasury.

LORD HERSCHELL: I am aware it came with that additional weight of being a recommendation by a Member of the Treasury. I cannot help thinking that the addition upon the Committee of a man versed in public affairs would add considerably to the confidence felt in their Report, and consequently to the probability of the recommendations of the Committee being adopted. I am not going in detail into the matters to which my noble and learned Friend has called attention. I quite agree with him that these questions of discovery of documents and administration of interrogatories broadcast in every action demand serious and immediate attention. I am quite satisfied that with all the advantages which I believe have resulted from the Judicature Acts, they have brought with them, as was inevitable in a great change of that description, certain mischiefs which have been a drawback to the general advantage. But after a system has been in work for a considerable number of years, as this has, those drawbacks become manifest, and you have acquired sufficient experience to gauge their importance and to determine whether they should or not be grappled with. The expense attending ordinary Common Law actions has been very greatly increased, undoubtedly owing to the new system of procedure which has been adopted; and that is, of course, a very great evil. One matter to which I should like to call the attention of the Lord Chancellor is the large number of appeals from inferior Courts to the Divisional Courts. This is a great part of the work of the Queen's Bench Division, and a very important part. The tendency has been constantly—and I do not complain at all of it—to send more and more work to the inferior tribunals of this country, and appeals from their decisions are brought to the Queen's Bench. But those appeals are so numerous and often raise such impor-

tant questions, that the Court of Appeal in such cases should certainly be of a satisfactory character; and, except in cases where there has been a further appeal, sufficient attention has not been paid to the importance of making that Court of Appeal one of a satisfactory character. At present a Divisional Court is formed on no particular principle; any two Judges available at the time may sit as an Appeal Court from the decisions of the inferior Courts—to-day these two Judges, to-morrow other two Judges—and very often matters of great importance are determined by them conclusively without appeal. I venture to suggest that this Court of Appeal from the inferior Courts ought to be a tribunal constituted for the purpose, and selected from among the Judges, with, of course, power to substitute one for another should occasion require it for this purpose; so that it should be understood to be the regular Court of Appeal from the inferior Courts, and selected of Judges whose decisions would command general satisfaction and reliance. If you were to do that, I believe you would greatly improve your judicial system; for I cannot help thinking that, while you are sending these cases more and more to the inferior Courts, it is necessary that you should have an Appeal Court that will be satisfactory. As matters stand at present, if a man has sufficient means, he may rely on getting his case thoroughly and satisfactorily tried; but I do not feel altogether the same amount of certainty in the case of a man who had not those means, and whose case may be dealt with in a different fashion. So that I think if cases are to be sent to the County Courts, it would be much more satisfactory that you should provide a really reliable Court of Appeal from those tribunals. It is not only a question of the County Courts, but there are the Justices' Courts, among others, from which the Crown cases come for determination. This work which has become important enough of late years requires to be specially dealt with. Then, with regard to the circuits, I do not think you would gain very much by the proposal to concentrate the circuit work in particular towns, when you weigh the inconvenience that would arise from witnesses having to be brought considerable distances, and the dissatisfaction that would be produced by making the trials less local, against the possibility of a few days saved in the circuit. I will not pursue the inquiry into the further questions which my noble and learned Friend has touched upon except the last, as to the creation of a Court of Appeal, which is of so important a character that I think it would be wrong for me to be silent upon it, inasmuch as I agree very much with what my noble and learned Friend has said, and have the misfortune to differ very completely from both my noble and learned Friends who followed him. I have always felt it to be utterly discreditable to our jurisprudence that we should have no Court of Appeal in criminal cases. I cannot see how, on principle, this state of things can be justified. If there is a £10 note at issue in a case, the Legislature provides abundance of appeals to secure that neither shall a jury wrongfully fix a man's liability nor the law determine wrongly against him, yet in a matter of life and death there is no such provision. If a man's liberty for the rest of his days or for a lengthened period, or even his life is at stake, the decision of the jury and the sentence of the Judge are to be regarded as absolutely conclusive. That state of things has always appeared to me to be entirely unjustifiable, and only to be excused if the evils of introducing a system of appeal were shown to be so overwhelming as to render it undesirable to do so. It seems to me the burden is on those who opposed such a proposal to show that it is practically impossible to carry it into effect. My noble and learned Friend who has just spoken said that the way in which our Home Secretaries have from time to time discharged the onerous duties resting upon them is deserving of all praise, and I quite agree with him. It is a most distasteful task that the Home Secretary in such cases has to perform, and I believe that every Home Secretary has brought to bear upon it the greatest possible pains and care to do only that which is right and just in the discharge of the onerous duties connected with the exercise of the prerogative of mercy. Nevertheless, we cannot shut our eyes to the fact that the public are taking an increasing interest in the administration of justice, parcularly in criminal cases; and in a

particular case recently the conduct of the Home Secretary was canvassed to an extent which never occurred before; and not only is that the case, but his determination is even felt to affect the Government of which he is a Member. It is quite conceivable that cases might arise—recent occurrences have shown, indeed, that it may actually so happen—where the position of a Government may be seriously affected by the decision of the Home Secretary in dealing with this question of prerogative in particular cases. I cannot help thinking that nothing could be more unfortunate than that that state of things should exist. The prerogative of mercy, of course, must remain in the Crown, and the intervention of the Home Secretary will have to be in some cases sought; but the unfortunate state of things which I have mentioned ought as far as possible to be remedied, and I cannot doubt that in many cases the trouble would be avoided altogether if there were a Court of Criminal Appeal. If you had some tribunal to which an appeal could legitimately be made, you would stop the kind of public agitation which now supervenes after sentence is pronounced and when the matter is brought before the Home Secretary for his consideration. Now, the objections that have been urged are: that if you were to allow this to be done, and if such a Court were in existence, you would be overwhelmed with these appeals, and your Judges would have more than they could do. That seems to me at the outset to be an objection which should not be considered for a moment. If this is a right thing to be done in the administration of justice, and if the present number of Judges is not enough for the work, then the country is bound to add sufficiently to the number of Judges to enable this important work to be done, and ought not to refuse to have right and justice done because the present number of Judges is not sufficient to compass the work. For myself, I very much doubt, however, whether the objection is not to a large extent imaginary. I doubt whether there would be anything like the number of appeals which are alleged as a reason for inducing us to refrain from making this change. I arrive at that conclusion for several reasons, and partly from analogy to civil cases. In civil matters where people might appeal there are numberless cases where they do not do so, but submit to the judgments against them, in a certain number of cases, no doubt, partly on account of the expense, but in many cases, because they feel that an appeal would be hopeless; and I believe that which operates as a deterrent from appeals in civil cases would be practically found to be sufficient in criminal cases too. I do not think, therefore, you would have, as has been said, appeals in every case. A vast number of those appeals certainly might be easily and rapidly disposed of. In another country, I have myself seen a Court of Criminal Appeal at work; and except for two or three serious appeals, where there was really a question to be argued and fought out, the majority of the cases were disposed of in a few minutes, it being seen at once that there was nothing in them at all. I believe this fear is greatly exaggerated, and it does not seem to me to be a sufficient ground for refusing to do that which I think has long been felt by many to be needed in, at all events, some cases. I feel certain that if where necessary you had the matter after the verdict of the jury again calmly argued out before a Court of Appeal, these public agitations would subside. It would be seen that the matter had been re-considered by persons who were entirely independent and unaffected by the passing influences of the moment, which may be sometimes attributed to the Judge who presided at the trial and to the jury who tried the prisoner; and you would consequently find an absence of that agitation which now is manifested in particular cases. I think, also, that you may gain these advantages without suffering the inconveniences which some apprehend and deprecate. One thing further only I would say in reference to what my noble and learned Friend has said. I agree that this Court must be a Court of Appeal; but, at the same time, I do not think there would be anything unreasonable or inconsistent with sound principle in permitting that Court of Appeal to lend its ears to any information which had been derived since the date of the trial—any further facts which could be brought to their attention—anything, in short, which might be properly con-

sidered for the purpose of showing that the judgment arrived at should not have been arrived at, or would not have been arrived at, if all the circumstances had been known. My Lords, I have thought it right, although of course it can have no practical effect, as this matter has been broached to trouble your Lordships with my views upon it; because I have long been strongly of opinion that this is one of the reforms which is most urgently needed in our administration of justice.

House adjourned at twenty-five minutes past Seven o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 17th July, 1890.

QUESTIONS

FORTIFICATIONS AT CAPE TOWN.

MR. STANLEY LEIGHTON (Shropshire, Oswestry): I beg to ask the Secretary of State for War whether an agreement was made some years ago between the Imperial Government and the Cape Government that guns should be supplied from England for the fortifications at Cape Town; if he can inform the House how many guns have been provided; and what steps are being taken to carry out the agreement on the part of the Government?

*THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): I beg to refer my hon. Friend to my reply of the 3rd instant to the hon. Member for Preston.

DECAPITATION OF DACOITS IN BURMA.

DR. CAMERON (Glasgow, College): I beg to ask the Under Secretary of State for India whether his attention has been called to the following statement telegraphed from Rangoon by the *Times* correspondent on the 12th inst.:—

"In accordance with the promise made in Parliament peremptory instructions were issued two years ago by the Government of India forbidding the continuance of the barbarous practice of decapitating Dacoits and carrying the head through the country. This order has been openly disregarded. Two heads, each alleged to be the head of Bohkyawah, have been brought into Ayah within a fortnight. The Local Government have taken no steps to enforce these orders, or punish their subordinates for disobeying them;"

and whether he will inquire into the truth of this statement, and, if it be found true, will take such steps as may be necessary to prevent British Administration in Burmah being further disgraced by the practices described?

*THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): If the statement of the *Times* correspondent is true, the distinct orders of the Chief Commissioner contained in a Circular of the 5th of March, 1887, have been violated. The Secretary of State will inquire into the truth of the statement

ASSISTANT SURGEONS IN INDIA.

MR. BRADLAUGH (Northampton): I beg to ask the Under Secretary of State for India whether, under the Circular, No. 50, of the 15th of September, 1868, which lays down strictly the procedure to be followed in the examination of Assistant Surgeons, any power is given to Dr. Hilson, the Inspector General of Civil Hospitals, Bengal, to reverse the decision of the Examining Committee, and to order further examination, as was done in the case of the three assistant surgeons who had been regularly examined in May, 1889, before Drs. Coates, Raye, Joubert, Mackenzie, and Saunders?

*SIR J. GORST: The Secretary of State thinks that the hon. Member must have been misinformed, because the examination of the two assistant surgeons referred to in the question was held, not under the Circular of the 15th of September, 1868, but under the later orders of the 13th of October, 1880. The Secretary of State will be glad to show the Papers to the hon. Member, and if he thinks them of sufficient importance to be produced they may then be laid on the Table.

NUMBER OF TROOPS IN BURMA.

MR. SUMMERS (Huddersfield): I beg to ask the Under Secretary of State for India what is the number of troops now employed in Upper Burma; and what is their number as compared with

the population in India and Upper Burma respectively?

*SIR J. GORST: The number of troops is 11,000; being ·00004 of the population of India, and ·0022 of the population of Burma.

SIR G. CAMPBELL (Kirkcaldy, &c.): Is there not practically a large Municipal Army in addition to the troops?

*SIR J. GORST: In Burma, as well as in every other civilised community in the world, there are police as well as military.

SIR G. CAMPBELL: Are there not police retained independently for military purposes?

*SIR J. GORST: No, Sir; the military in Burma are military, and the police are police.

MR. SUMMERS: I beg to ask the Under Secretary of State for India what is the total cost of the Burmese war up to date?

SIR J. GORST: The cost of the Burmese war up to date is Rx. 4,524,700.

INDIAN MERCHANTS IN THE ORANGE FREE STATE.

MR. BRADLAUGH: I beg to ask the Under Secretary of State for Foreign Affairs whether he is aware that a law has recently been promulgated in the Orange Free State prohibiting, after the lapse of two months, the residence and trade in such State of Indian merchants, British subjects; and whether the Government propose to take any action in the matter?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): Perhaps I may be allowed to answer this question. I have heard that a law has been passed in the Orange Free State prohibiting residence, except by permission, and prohibiting the acquisition of fixed property there in the case of all Asiatic races, other than Cape Malays, but I have not heard that it has been promulgated. The period of grace in the draft law was 12, and not two months. The High Commissioner, acting under instructions from the High Commissioner, has made, and is making, representations to the Orange Free State Government against the provisions of the law.

*MR. BRADLAUGH: I received a telegram late last night signed "Shepstone," from Durban, stating that a law was promulgated on the 15th prohibiting trade and residence of Indian merchants which is to take effect in two months. That is my only ground for putting the question.

KING'S CROSS BRANCH POST OFFICE.

MR. FLYNN (Cork, N.): I beg to ask the Postmaster General whether any complaints have reached him with reference to the alleged unsanitary or unhealthy condition of the King's Cross Branch Office, Caledonian Road; and whether, in view of the fact that it has been closed twice owing to the prevalence of fever, and that there is rarely a full staff of clerks owing to absence by reason of illness, the Post Office Authorities will inquire into the matter?

*THE POSTMASTER GENERAL (Mr. RAIKES, Cambridge University): The King's Cross Branch Post Office was closed in 1881 and 1887 in consequence of the children of the tenants of the upper floors, and of the caretaker respectively, having scarlet fever. In neither case was there any reason to think that the disease was caught in the house. The premises have been specially examined by the Chief Medical Officer to the Department, who reports the sanitary condition to be very fair. The rate of sick absence among the staff has not been above the average. There is at present one clerk absent with typhoid fever, but the cause is not attributed to any defects in the office.

ADMIRAL FREEMANTLE.

MR. GOURLEY (Sunderland): I beg to ask the First Lord of the Admiralty if he can explain how it happened that Admiral Freemantle, during the recent Anglo-German Blockade on the coast of Africa, hired a small steamer called the *Somali*, at a cost of £25 per day, costing for about nine months' hire a total sum of £5,000, although he could have purchased the vessel when he chartered her for £4,000; and whether it is true that he has again chartered the vessel for a further period of 12 months at £20 per day, or a total sum of £7,300?

*THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): The facts of the case are as follows:—The *Somali* fully found and

equipped was hired at £25 a day from May to October, 1889, and then for three months further to the end of January, 1890, at the reduced rate of £12 10s. a day. On the termination of this period it was found necessary to charter her for 12 months further at an increased rate of £20 a day, the owners having represented that the rate of £12 10s. a day had been accepted under the impression that the Admiralty would purchase the vessel at the end of the first 12 months. The charter up to January 31 cost £5,275, and the second charter, if continued for the full 12 months, will cost £7,300. I am not aware that there was any possibility of purchasing the *Somali* for £4,000. The first charter included an option to purchase the vessel after 12 months' hire for £12,000.

RUNCORN POOR LAW GUARDIANS.

MR. BRUNNER (Cheshire, Northwich): I beg to ask the President of the Local Government Board whether his attention has been called to irregularities in connection with the last election of Guardians of the poor for the township of Runcorn; whether he is aware that a considerable number of qualified electors received no voting papers; that many mistakes in the distribution and collection of voting papers occurred owing to the fact that the numbers of the houses in any street were not entered on the papers; and that the persons employed by the Returning Officer to assist in the counting of the voting papers were two of his own sons and the Workhouse Master, who had been for many years his own clerk; whether the irregularities affected the result of the election; and whether the Local Government Board made inquiry into the conduct of the election so as to fix the responsibility for and prevent the recurrence of such irregularities?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): I have received complaints as to irregularities in connection with the last election of Guardians for the township of Runcorn. At the election five Guardians were to be elected, and there were nine candidates. I am not able to give the precise number of persons who were entitled to vote in the election, but it must have been very large, as one candidate received as many as 946 votes. In communications which I have received from one of the candidates it is alleged that in 37 cases there was a failure either to distribute or to collect voting papers. I have made inquiry as to each of these cases, and find that in some of them a satisfactory explanation has been given. For instance, there are cases where persons had left the house in respect of which they were assessed prior to the election. In others the collectors were unable to obtain an answer when they called with the voting papers. There are other cases in which mistakes have occurred through inadvertence in preparing the voting papers or otherwise. It is, however, to be observed that in the public notice which is given of the election the attention of the electors is distinctly called to the fact that if any voter fails to receive a voting paper on the day of the distribution, or if any voting paper is not collected through the default of the Returning Officer, or any person employed to collect the voting papers, the voter is entitled to attend at the place fixed by the Returning Officer, and there personally hand in a voting paper filled up by him. I learn from the Returning Officer that in one case a messenger, who asked for voting papers for certain electors, was informed that if the electors wished to vote it would be necessary that they should attend before the Returning Officer for the purpose. In none of the cases, however, did the elector avail himself of this right. It is impossible for me to say whether the result of the election would have been affected if the persons in the cases referred to had availed themselves of the right to which I have alluded. I have no definite information as to whether or not the sons of the Returning Officer and the Workhouse Master assisted the Returning Officer in counting the votes, but the officer was entitled to have assistance in this duty, and it does not appear to me that there was any objection to the employment of these persons. It is a matter for regret that irregularity should have occurred in any of these cases, but I am not satisfied that there was any wilful neglect, and after full consideration the Local Government Board arrived at the conclusion that the cir-

cumstances were not such as to require that the heavy expense of a new election should be incurred.

PARISH BOUNDARIES IN SCOTLAND.

MR. CRAWFORD (Lanark, N.E.): I beg to ask the Lord Advocate whether he is aware that doubts have arisen as to the powers of the Boundary Commissioners under "The Local Government (Scotland) Act, 1889," to alter the boundaries of parishes; and whether he would have any objection to state, for the satisfaction of Local Authorities, to whom litigation would be a serious matter, whether the Commissioners have any power to detach a portion of a parish lying entirely in one county for the purpose of connecting the detached portions of another parish, also wholly in the same county?

*THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): From information which the hon. and learned Gentleman was good enough to give me, I find that this question is specifically before the Boundary Commissioners at the present time. He will, therefore, not misunderstand me if I say that I do not think I can, with propriety, express an opinion on the subject.

PAUPER ALIENS.

MR. HOWARD VINCENT (Sheffield, Central): I beg to ask the President of the Board of Trade if his attention has been directed to the letter of Mr. Arnold White in the *Times* of 15th July (page 5), upon "The Invasion of Pauper Aliens"; and whether the aliens arriving by 128 ships out of 261 have not been subjected to the statistical control now being exercised; and, in such case, if he will take steps to ensure that Parliament shall be made fully conversant with the extent to which foreign labour is brought to this country to compete with national labour?

MR. BRUNNER: Before the right hon. Gentleman answers the question, may I ask if he will be good enough to ascertain and inform the House to what extent Englishmen go to foreign countries and compete with native labour?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): I have no doubt that that occurs to a large extent, but it scarcely seems to bear upon the question upon the Paper, and I am afraid it would not be possible to obtain statistics. My answer to the question is in the affirmative. My attention has been directed to the letter referred to by the hon. Member. The Returns of aliens arriving by the 128 ships to which my hon. Friend refers were not subjected to the same statistical control as is now exercised over such Returns, because the ships arrived before the new arrangements of which I have already informed the House were put in force.

COLONIAL DEFENCES.

MR. JAMES MACLEAN (Oldham): I beg to ask the Under Secretary of State for the Colonies whether he will lay upon the Table of the House the following Papers relating to an increase in the Military contribution proposed to be levied on the Straits Settlements, namely, the Despatch from the Colonial Office of the 13th December, 1889, to the Governor of the Straits Settlements containing the demand of Her Majesty's Government for an increased Military contribution; the Proceedings of the Legislative Council of the Straits Settlements in connection with that Despatch; the Governor's Despatch forwarding the Proceedings of the Legislative Council to the Secretary of State for the Colonies; together with any other Papers bearing on the subject which are already in hand, so that the House may have an opportunity of forming a judgment on the proposed action in this matter?

SIR GEORGE CAMPBELL: I have also to ask the Under Secretary of State for the Colonies whether Her Majesty's Government are at present endeavouring to arrange for a more adequate contribution for military defence from those Colonies which are garrisoned by Her Majesty's troops borne on the British Estimates; whether such contribution is required from colonies with a good revenue, which have hitherto paid little or nothing, as well as from those which have hitherto made considerable contributions; whether the rich Colony of Ceylon is resisting the demand made upon it; whether Her Majesty's Government propose to insist on a demand put to this country in the case of Ceylon, Natal, and other colonies which have hitherto contributed too little; and whether the representatives of the tax-

payers of the British Colonies will be given an opportunity of expressing an opinion as well as the Colonies?

*BARON H. DE WORMS: In reply to my hon. Friend the Member for Oldham, I am afraid I cannot add anything to the answer which I gave on the 19th ult. to a similar question from my hon. Friend the Member for Greenock. As regards the question put by the hon. Member for Kirkcaldy, Her Majesty's Government have given much consideration to this subject, and have determined that the military contributions of the colonies must be increased where such contributions are inadequate. No demand, except for the present year, has yet been made upon Ceylon or Mauritius, the amount to be claimed being under discussion. No question has been raised as to Natal. An increased contribution has been demanded from the Straits Settlements and Hong Kong.

THE RIVER CLWYD.

MR. J. ROBERTS (Flint, &c.): I had intended to ask the President of the Board of Trade whether he is aware that Major Rowley Conway, who is a member of the Board of Conservators of the Rivers Clwyd and Elwy, has caused large stones to be placed in that part of the River Clwyd known as the Junction Pool, which is admittedly tidal and navigable, so as to prevent the netting of it by licensed fishermen; whether he is aware that criminal proceedings have twice been taken by him against the fishermen for netting, and that on both occasions the Justices considered their jurisdiction to be ousted by a *bonâ fide* claim of right; and whether the Board of Trade will, in the interests of the navigation of the river and of the fishermen, take steps to cause these stones to be removed? At the request of the right hon. Gentleman I beg to postpone the question.

FLASHING SIGNALS—ADMIRAL COLOMB'S INVENTION.

MR. KIMBER (Wandsworth): I beg to ask the First Lord of the Admiralty whether the £1,000 stated to have been paid to Admiral Colomb was made up of £750 from the Admiralty, and £250 from the War Office; whether of the £750 paid by the Admiralty, £500 was paid in January, 1868, in recognition of his services in perfecting the plans of flashing signals for use in Her Majesty's ships; whether the remaining £250 was paid by the Admiralty in 1871, in respect of signals for joint Naval and Military use; whether the £250 paid by the War Office in January, 1871, was on account of signal arrangements for land service only; and what was the total cost incurred for the purchase of Admiral Colomb's signal apparatus supplied to the whole of Her Majesty's ships during the period the supply of the signal apparatus to Her Majesty's Fleet was left in Admiral Colomb's hands, namely, from 1864 to 1888, and what percentage of such total cost do the Admiralty estimate Admiral Colomb's profits to have been?

*LORD G. HAMILTON: The £1,000 was made up of two distinct sums of £500 each. The first £500 was on account of the service to the Navy alone. The second £500 was on account of services in perfecting the system of signalling between the Army and Navy, and was charged in equal portions between Army and Navy funds. The terms of the receipts given by Admiral Colomb were respectively—

"In full discharge of all claims connected with the introduction into Her Majesty's ships of his plan of flashing signals, and expenses attendant thereon;"

and—

"In discharge of all claims on Her Majesty's Government on account of signal arrangements for land service, and in respect of a code of signals for joint Naval and Military use."

The total cost of the apparatus purchased by the Admiralty from Admiral Colomb between 1864 and 1888 cannot be definitely stated without a close scrutiny of the old Admiralty ledgers, but the value of the orders given between 1879-80 and 1888-9 amounted to about £6,000. As Admiral Colomb made his own arrangements with the firms who manufactured the apparatus the Admiralty are not in a position to state what profits he may have actually made on his contracts with the Government.

THE HOUSE DUTY.

MR. STOREY (Sunderland): I beg to ask the Chancellor of the Exchequer whether it was intended by the Customs and Inland Revenue Act, recently passed,

to exempt from House Duty houses with one front door yet with two or more tenements each of less than £20 per annum; and, if so, will he explain why the Somerset House officials and certain Inland Revenue officials in the country state that such houses are not included in the exemption; and whether, as this rendering of the Act would deprive of exemption many thousands of owners of such houses, he will give instructions securing to them what the House intended?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): Houses such as those described by the hon. Member would be exempt from House Duty, irrespective of the question whether they have one or more front doors, if they fall within the conditions laid down in Subsection 2 of Section 26 of the Customs and Inland Revenue Act, 1890, namely, that they are constructed for the sole purpose of providing separate dwellings at rents not exceeding 7s. 6d. a week and are approved by the Medical Officer of Health. No such statement as that ascribed to the Inland Revenue officials has been made with the sanction of the Board of Inland Revenue; but the Act has, of course, no retrospective effect, and several applications as regards the year 1889-90 have been refused as not being within the Treasury concession then in force.

THE NAVAL MANŒUVRES.

MR. GOURLEY: I beg to ask the First Lord of the Admiralty about what time he intends holding the forthcoming Naval Manœuvres; how many and what type of ships are to be mobilised, and whether it is correct that the date has been postponed owing to many of the vessels having to be longer under repair than anticipated; and whether, with the large addition to the Navy of ocean cruisers, he will consent to extend the scope of the experimental operations to the protection of the leading food and cotton ocean routes, notifying to commanders of British shipping that they will be expected to avoid, as far as practicable, nominal capture by hostile experimental cruisers?

*LORD G. HAMILTON: The date of mobilisation will not be communicated to the ports until the last moment. It has not been postponed on account of the unpreparedness of the vessels for commission. Fifty-six ships and 24 torpedo boats will be employed during the manœuvres, comprising 18 battle ships, four belted cruisers, five armoured coast defence ships, 19 unarmoured cruisers, one torpedo depôt ship, and nine small craft, besides torpedo boats. The proposal contained in the last part of the question is not practicable.

LETTERS FROM EDINBURGH TO THURSO.

DR. CLARK (Caithness): I beg to ask the Postmaster General if he can explain why it is that letters from Edinburgh to Thurso, a distance of over 300 miles, are carried in about 13 hours, while from Thurso to Reay, a distance of 11 miles further, they take an additional 15 hours; whether he is aware that coaches run every day from Thurso to Reay; and whether something can be done to accelerate the delivery of letters in this district?

*MR. RAIKES: The passenger car for Reay, which carries the mails, leaves Thurso in the morning and returns the same day. Hence, letters for Reay arriving overnight are necessarily detained until the next morning. The coach referred to could not be made available—the hour at which it runs being unsuitable for mail purposes. On the whole, the present arrangements seem best calculated to meet the requirements of the locality.

THE WINTER SESSION.

MR. BECKETT (York, N.R., Whitby): I beg to ask the First Commissioner of Works whether, in view of the House sitting hereafter through the greater part of the winter months, he will consider the desirability of providing some protection from the weather in Palace Yard for Members alighting at or departing from the House; and whether he will instruct an architect to prepare perspective drawings of what might be done, and have them exhibited in the House before the prorogation, so as to admit of the other 669 Members of the House, whose comfort and health may be affected, expressing their opinion with regard to it; and, if he will not do this latter, whether there is any objection to a private Member doing it?

THE FIRST COMMISSIONER OF WORKS (Mr. PLUNKET, Dublin University): A few years ago we did provide in the Star Chamber Court a shelter for Members alighting at and departing from the House of Commons. I do not know whether my hon. Friend has used this shelter, but I believe the other 669 Members mentioned in my hon. Friend's question do avail themselves of it. I do not myself think that it would be well to risk disfiguring the front of Westminster Hall by erecting any further shelter in Palace Yard; but if my hon. Friend or any other Member desires to have such a perspective drawing as is suggested in the question prepared at his own expense, I do not suppose there would be any objection to its being exhibited in the Tea Room.

MR. LEA (Londonderry, S.): I beg to ask the First Lord of the Treasury if the Standing Order, which gives precedence to private Members' Bills, passed through the greatest number of stages after Whitsuntide, will be altered to suit the new condition of things caused by the earlier meeting of Parliament?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): I think the proposal of the hon. Member one well worthy of consideration, and I will undertake that it shall be considered.

EXCESSIVE SENTENCE.

MR. PHILIPPS (Lanark, Mid): I beg to ask the Lord Advocate whether it is the case that the men sentenced by Sheriff Balfour to £5 fine or 14 days' imprisonment for killing a rabbit were unable to pay the fine, and have been in prison since 12th July; and whether the Secretary for Scotland has yet been able to obtain their release?

*MR. J. P. B. ROBERTSON: The two men referred to failed to pay the fine imposed within the time allowed by the Sheriff. One surrendered himself on Saturday, July 12, and is now in prison, the other has not yet been found. The Secretary for Scotland has inquired into the case, and sees no reason for interfering with the sentence of the Court. The offence was not, as stated in the question, the killing one rabbit, although one rabbit was killed. The accused were found guilty of night poaching, which, by Statute, is severely punishable, not on account of the game destroyed, but from serious dangers to the peace and to life which attend such night expeditions. In the case referred to the circumstances were not favourable, and some violence was used. The penalties imposed were largely within the statutory limits.

PROHIBITION OF PUBLIC MEETINGS IN SCOTLAND.

MR. PHILIPPS: I beg to ask the Lord Advocate whether he is aware that public meetings are held at Wishaw Cross every week of the year, even on Saturdays and Sundays, and that no meeting there was ever prohibited by the Magistrates till the anti-compensation meeting was advertised to be held; and whether he can now state under what Statute the Wishaw Magistrates have power to "prohibit" a meeting "either at the Cross, or on or adjacent to the public streets of the burghs"?

*MR. J. P. B. ROBERTSON: I am not aware whether the statements in the first paragraph of the question are correct. I answered the whole of the last paragraph on Monday.

BEHRING SEA FISHERIES.

MR. GOURLEY: I beg to ask the Under Secretary of State for Foreign Affairs if he has seen a cable message transmitted from New York, by Reuter, to the *Globe* newspaper, and dated 16th July, stating that President Harrison, in reply to a Despatch from Lord Salisbury relative to the Behring Sea Seal Fishery negotiations, had stated that he thought it the duty of the United States, under the Act of Congress, to go on dealing summarily with British sealers; if so, will he state whether the message is correct, and the reply of Lord Salisbury; and whether the two Governments have yet arranged a close time for the capture of seals, and when Despatches down to date will be in the hands of Members?

SIR J. GORST: I have been requested by my right hon. Friend to answer the question. Her Majesty's Government have received no Report of such a statement having been been made by President Harrison. The negotiations have not yet been brought to a close. Papers are being prepared as rapidly as possible.

THE INSUBORDINATION OF THE GRENADIER GUARDS.

MR. PICKERSGILL (Bethnal Green, S.W.): I beg to ask the Secretary of State for War if he will state the result of the inquiry into the causes of the recent act of insubordination in the 2nd Battalion of the Grenadier Guards?

*MR. E. STANHOPE: No, Sir; in the interest of the Service I must decline to make public the result of the inquiry which has been held.

MR. PICKERSGILL: Is there any statement in the finding of the Court with respect to the allegation that these men have for the last three months been subjected to excessive and oppressive duties?

*MR. E. STANHOPE: From the answer I have already given, the hon. Member will see that I cannot say more.

MR. PICKERSGILL: Is there not a long series of precedents justifying such questions as that which stands in my name on the Paper?

[No answer was given.]

MR. A. O'CONNOR (Donegal, E.): What particular officer is responsible for the fact that so important an event as that referred to in the hon. Member's question had not been brought to the notice of the Minister for War at 3 o'clock in the afternoon?

*MR. E. STANHOPE: As I have already explained, the Military Authorities were inquiring into the matter during the day. I was busily engaged myself, and so they did not inform me of the circumstances before I was obliged to come down to the House.

MR. CUNINGHAME GRAHAM: Is it true that the Grenadier Guards are to be ordered on foreign service?

*MR. E. STANHOPE: I have no answer whatever to give on that subject.

CHATHAM DOCKYARD.

MR. EDWARD KNATCHBULL-HUGESSEN (Rochester): I had intended to ask the Secretary to the Admiralty whether any great amount of extra time has recently been worked in the Clerical Department of Her Majesty's Dockyard, Chatham; whether the regulations provide that, when continuous overtime is thus being worked, the Admiralty should be informed, with a view to steps being taken to remove such strain upon the staff; and whether, in this instance, such information has been received? but, at the request of the hon. Gentleman, I will postpone the question.

AGRICULTURAL TENANTS.

MR. CHANNING (Northampton, E.): I beg to ask the Attorney General whether he is aware that many resolutions have been passed by Farmers' Clubs and Chambers of Agriculture in support of the principle that the tenant of an agricultural holding under mortgage should have the same right of claiming compensation from a foreclosing mortgagee as from his original landlord, the mortgagor; whether he is aware that the Chester Farmers' Club unanimously passed a resolution in favour of the honourable and gallant Member for the Wirral Division's (Colonel Cotton's) Tenants Compensation Bill, with the addition of the Amendments of the honourable Member for East Northampton (Mr. Channing), to extend the protection in case of mortgaged farms to rights to compensation under the "custom of the country" and for crops; whether his attention has been given to the Amendments put on the Paper in pursuance of an understanding arrived at between both sides of the House at the Second Reading of the Bill to carry out these objects; and whether, having regard to the period of the Session, and to the large number of agricultural tenants of mortgaged holdings, who need this protection, he will either place these Amendments on the Order Paper without delay, or accept the Amendments now standing in the name of the honourable Member for East Northampton?

*THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight): I am informed that considerable interest is felt in the matter referred to by the question of the hon. Member, though the circumstances out of which the matter arose are very exceptional. The question has received the most careful consideration of my right hon. Friend the Minister for Agriculture and of myself, but having regard to the difficulties which surround it, I doubt whether it will be possible to carry through satisfactory legislation during the present Session, but the

matter is more for the Minister of Agriculture than for me.

*MR. CHANNING: The hon. and learned Gentleman is aware of the arrangement come to some time ago as to these Amendments. Are we to understand now that Her Majesty's Government are going to offer no aid in passing a Bill giving a protection urgently needed by many tenant farmers?

*SIR R. WEBSTER: The hon. Gentleman is to understand nothing of the kind, but owing to the numerous suggestions which have been made by a variety of people it has not been found possible to deal with the question hitherto.

*MR. CHANNING: Will it be dealt with this Session?

*SIR R. WEBSTER: The hon. Gentleman had better address that question to the Minister of Agriculture.

*MR. CHANNING: Then I will ask the Minister of Agriculture if he intends to have the Amendments put on the Paper in time to enable the Bill to be dealt with this Session?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. CHAPLIN, Lincolnshire, Sleaford): I do not know what the Amendments are which the hon. Gentleman refers to.

*MR. CHANNING: I refer to the Amendments drawn up by the Attorney General and agreed to between the promoters of the Bill and myself with the cognizance of the right hon. Gentleman.

MR. CHAPLIN: At present I have no information to give.

THE ANGLO-GERMAN AGREEMENT.

MR. SUMMERS (Huddersfield): I beg to ask the First Lord of the Treasury whether his attention has been called to the misdescription of the German Emperor as the Emperor of Germany in the Queen's Speech of the present Session, in the Schedule to the Anglo-German Agreement Confirmation Bill, and in the English version of the Anglo-German Agreement; and whether he will take steps to prevent such misdescription from recurring in English official documents?

*MR. W. H. SMITH: The description given in the Anglo-German Agreement was desired by the German Foreign Office, but it is probable that the title of German Emperor will hereafter be used in this country.

"HANSARDS DEBATES."

MR. MAURICE HEALY (Cork): I beg to ask the First Lord of the Treasury whether he is aware that no questions addressed to Ministers are reported in *Hansard* unless Ministers send their answers in manuscript to the *Hansard* room; and whether arrangements will be made either to have all answers sent in manuscript to be reported, or to have the answers to questions, which are often very important, reported otherwise?

*MR. W. H. SMITH: I believe that the facts stated by the hon. Member are practically correct, but I cannot admit that Ministers are bound to send copies of their answers to the Reporters' Gallery; indeed, it would often be impossible to do so, many of the answers given being unwritten, and there being, therefore, no copies to send. I am strongly of opinion that the reporting of all questions and answers is essential to a proper official record of the proceedings of this House, and *Hansard* have always shown themselves so willing to meet the requirements of Parliament that I am sure, now their attention has been drawn to the matter, there will be no further cause for complaint.

ANGLO-TUNISIAN TREATY OF COMMERCE.

MR. SUMMERS: I beg to ask the First Lord of the Treasury whether he will undertake that the British Chambers of Commerce shall be consulted before the assent of the Government is given to any modification or surrender of the commercial privileges which we enjoy under the Anglo-Tunisian Treaty of Commerce of 19th July, 1875?

*MR. W. H. SMITH: If it should become necessary, under the provisions of the Treaty in question, to enter into negotiations for any change in the existing arrangements, the Government will, of course, take all necessary steps to provide themselves with requisite information as to the interests affected.

HELIGOLAND.

MR. SUMMERS: I beg to ask the First Lord of the Treasury when the Papers relating to Heligoland that were

promised on 24th June will be laid upon the Table of the House?

*Mr. W. H. SMITH: Copies of the Capitulations respecting Heligoland will be laid on the Table and probably distributed on Saturday. We have not at present any other Papers that can be laid before the House.

Mr. BRYCE (Aberdeen, S.): I beg to ask the First Lord of the Treasury whether Her Majesty's Government will be in a position to make, before the Second Reading of the Bill for the Cession of Heligoland, a statement regarding the negotiations which Lord Salisbury has stated to be now pending between this country and France on the subject of Zanzibar?

Mr. HANBURY (Preston): When will the Bill be taken?

*Mr. W. H. SMITH: Probably on Thursday. I have already answered the question of the hon. Member opposite (Mr. Bryce). The negotiations between the two Governments are proceeding in a perfectly friendly spirit on both sides, and while I cannot now undertake that any statement shall be made with regard to them on the Second Reading of the Bill, Her Majesty's Government will gladly give any information which it may be in their power to afford without detriment to public interests.

IRISH RESIDENT MAGISTRATES.

Mr. J. E. ELLIS (Nottingham, Rushcliffe): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland what are the names of the Resident Magistrates appointed since 1st October, 1886?

The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour, Manchester, E.): The names of the Resident Magistrates appointed since 1st October, 1886, are as follows:—Mr. N. L. Townsend, Mr. J. Preston, Mr. O'N. Segrave (since resigned), Mr. C. Roche, Mr. U. Bourke, Lieutenant-Colonel M. S. Tynte, Mr. F. G. Hodder, Colonel H. Caddell, Mr. W. H. Joyce, Mr. G. Shannon, Mr. E. F. Hickson, Mr. J. M'Lean, Mr. H. Bruen, and Mr. G. B. Butler.

Mr. J. E. ELLIS: How many in all?

Mr. A. J. BALFOUR: Fourteen.

Mr. J. E. ELLIS: How many have been retired?

Mr. A. J. BALFOUR: None have been retired.

Mr. SEXTON (Belfast, W.): Did not Captain Segrave resign?

Mr. A. J. BALFOUR: Yes; that was so.

Mr. T. M. HEALY (Longford, N.): Do I understand the right hon. Gentleman to say that no members of the staff have been retired?

Mr. A. J. BALFOUR: I have not asked for that information, but I will procure it.

THE GAELIC ATHLETIC ASSOCIATION.

Mr. T. M. HEALY: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether officials of the National Board of Education object to teachers being members of the Gaelic Athletic Association; and what is the rule on this subject?

Mr. A. J. BALFOUR: The Commissioners of National Education report that teachers are not prohibited from being members of the Gaelic Athletic Association, unless by reason of such membership they take part in politics, in which event the rules which prohibit the attendance of a teacher at meetings held for political purposes would be violated.

BAIL PRISONERS.

Dr. TANNER (Cork Co., Mid): I beg to ask the Attorney General for Ireland whether Mr. Patrick Staunton, having appealed from the decision of a Court held at Castlemartyr, County Cork, on the 24th February last, had his sentence increased by one month by Mr. J. Hamilton, the Cork Recorder; and whether the extra month imposed by Mr. Hamilton was given subsequent to the confirmation of the original sentence, for alleged contempt of Court; and, if so, whether Mr. Staunton will be treated during the additional period of imprisonment as a bail prisoner?

The ATTORNEY GENERAL for IRELAND (Mr. Madden, Dublin University): I must ask the hon. Member to postpone the question until Monday.

THE CORK UNION.

Dr. TANNER: I beg to ask the Attorney General for Ireland if he can explain why the Local Government Board have refused to sanction the bonus of £50 granted by the paid Guardians in the Cork Union to Mr. Cotter, the

assistant clerk to the Union; whether he is aware that Mr. Cotter had for some months past a considerable amount of extra work thrown on him, which he performed to the complete satisfaction of everybody; and what are the reasons for refusing the bonus?

MR. MADDEN: The Local Government Board, having considered the amount of extra work thrown upon the assistant clerk by reason of the illness of the clerk of the Union, were of opinion that the merits of the case would be met by the award of a gratuity of £40 instead of the £50 proposed. They accordingly sanctioned payment of the former sum.

LICENSING IN IRELAND.

MR. T. M. HEALY: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he will inquire what foundation there is for the suggestion that the refusal of the Lurgan Bench of Magistrates to renew the licence of Mr. Patrick Blayney, after 70 years' uninterrupted user, was grounded on the "unsuitability of the premises;" did the police oppose the application; whether he is aware that the house is one of the largest and most respectable in Lurgan, situated in the centre of the town, being three storey, slated premises, with a frontage of 30 feet, a capacious rear and yard, stabling for 30 horses, and an acre of ground attached, all held in fee-simple; and if these facts are substantially accurate, do the Government intend to persist with the Licensing Clauses of the Local Taxation (Customs and Excise) Duties Bill, which would prevent for ever the possibility of Mr. Blayney's licence being renewed because, by a majority of one, a Bench exclusively Protestant held them "unsuitable"?

MR. A. J. BALFOUR: I am informed that the foundation for the statement as to the ground upon which the Magistrates refused the application for a transfer of the licence in question is the fact that that ground was publicly announced in Court. The police did give notice to oppose the transfer on the same ground, but as some structural alterations were subsequently made they left the question as to the sufficiency of these alterations to the Magistrates. The house is not one of the largest and most respectable in Lurgan. It is represented to be a small, low, three-storey house. It has not a frontage of 30 feet. Its total frontage including the doorway is only 13 feet. There is an adjoining open gateway into which an objectionable side-door opens. The open gateway and yard at rear are common to all the tenants. It had not stabling for 30 horses. On the contrary, it had no stabling accommodation available heretofore, but stabling, it is stated, has now been provided to a small extent. The ground referred to as being attached consists of an open unfenced potato garden situated at a considerable distance from the house, and approached by a mere right of way. The statements in the question, therefore, do not appear to be substantially accurate.

MR. T. M. HEALY: Do the Government intend to go on with legislation at present, which will have the effect of preventing a man who has been improperly deprived of his licence from ever obtaining a chance of a renewal?

MR. A. J. BALFOUR: As that is a question which relates to the construction of the Bill, I think it ought to be put to my right hon. Friend the First Lord of the Treasury.

MR. T. M. HEALY: The opposition of the hon. Member for South Tyrone (Mr. T. W. Russell) has practically compelled me to withdraw my Bill, and if the Government persist in their licensing proposals in reference to Ireland without affording an opportunity for renewal to a man who has been deprived of a licence upon special grounds, I shall certainly oppose them as strenuously as I can.

POLICE "SHADOWING."

MR. FLYNN: I beg to ask the Attorney General for Ireland whether his attention has been called to the reports in the Cork papers, from which it appears that two brothers, Edmond and David Kent, were at Fermoy fair on 6th instant, engaged in selling some lambs, when a constable came and "shadowed" David Kent for a considerable time; that this man, David Kent, then went and stood beside District Inspector Ball, and followed the Inspector about the fair, he himself being followed meanwhile by the constable; that District Inspector Ball spoke to Mr. Kent,

and said, "If you persist in following me I will have you arrested;" and that Kent replied that he had been prevented from doing his business by the Constable shadowing him, and that if the Inspector withdrew the constable he would not follow the Inspector; if it is true, as reported, that the Inspector thereupon ordered the shadowing constable to arrest Mr. Kent, who was kept in custody from 9 a.m. until 3.30, and then summoned; and whether he can state under what authority was Mr. Kent arrested, and why was he shadowed in the manner described?

MR. MADDEN: The Constabulary Authorities report that David Kent was not shadowed, or in any way interfered with, while engaged with his brother in selling lambs. But, upon his subsequently leaving the place where the lambs were and proceeding through the fair, his movements were watched, as the police had reason to believe, from previous actions of the man, that he would endeavour to prevent the sale of some lambs belonging to a person boycotted for taking an evicted farm, and in connection with whose boycotting David Kent had, on a former occasion, been convicted. The District Inspectors did, after warning Kent twice, order his arrest, his conduct being such as to interfere with the officer in the discharge of his duty. He was detained in custody until the arrival of the Resident Magistrate, who was at once telegraphed for, and who remanded him on bail. The case has since been heard in Court, and it appears that Kent was discharged on giving an undertaking not to so offend again.

MR. SEXTON: Is the right hon. Gentleman aware of the fact that the constable prevented the sale of the lambs, and that the Magistrate declared the course he took to be highly improper? The buyer went up while the bargain was being made, and the buyer walked away, thus producing the very effect which the Chief Secretary so strongly condemns, of preventing a man from earning his living.

MR. MADDEN: Those alleged facts are not before me.

MR. DILLON (Mayo, E.): May I ask why, if it was illegal for David Kent to follow Mr. Ball, it was legal for the constable to follow David Kent; also under what law, common, statute, or otherwise, is it legal for a constable in plain clothes to dog and tread on the heels of any man while the man himself may not follow the constable's superior officer?

MR. MADDEN: I gave a very full answer to that question some days ago. In my opinion the following a constable in plain clothes, who is performing detective duty, from place to place, and pointing him out as a constable, may be carried to such an extent as to amount to the offence of obstructing that constable in the performance of his duty.

MR. DILLON: There is no question in this case of a constable in plain clothes. The man followed a constable in uniform.

MR. MADDEN: No.

MR. T. M. HEALY: I wish to point out that the Government are obliged by statute to take down the evidence in writing when the case is heard. Is the right hon. Gentleman giving an account of what took place from his own speculations or has he the depositions before him?

MR. MADDEN: No, Sir; I am not giving my own speculations, but I have answered from the best information I could obtain. There has been no time to get the depositions.

MR. T. M. HEALY: Then the right hon. Gentleman has given an answer of a purely speculative character, without knowing what the evidence was?

MR. MADDEN: No, Sir. I stated that I had before me a Report of what occurred in Court. I stated also that I had not seen the depositions. If the hon. Gentleman wishes to pursue the matter further he had better put down a question.

MR. T. M. HEALY: I fail to see what time is required to obtain a copy of the depositions. The Petty Sessions clerk could copy them out in 10 minutes [*Cries of* "Order!"] Hon. Gentlemen seem to think I know nothing about my daily work. The right hon. Gentleman ought to have made his statement from the sworn evidence.

MR. MADDEN: I have stated that the Court only discharged Kent on his undertaking not to offend again. That was an admission on his part that an offence had been committed. I do not

know what the entry in the book was, but I will inquire.

MR. T. M. HEALY: The matter will come up in Supply to-night, and the Irish Members expect to gather information upon it from the answer to the question.

MR. W. O'BRIEN (Cork, N.E.): May I ask the Attorney General whether all the information he has given to the House upon the subject is not derived from District Inspector Ball, and whether that officer is not a man against whom a Coroner's Jury returned a verdict of wilful murder?

MR. MADDEN: I have no information from Inspector Ball.

MR. DILLON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether Dr. J. F. Gibbon, an American gentleman travelling in Ireland, was shadowed by the police, when visiting the town of Tipperary, on 12th July; whether the police constables persisted in listening whenever he conversed with friends in the street; and for what reason Dr. Gibbon was so beset?

MR. A. J. BALFOUR: I am informed that the gentleman referred to was not shadowed. It appears that he spoke to Cullinane, who was shadowed, and it may be that upon that foundation he formed the erroneous impression that he was shadowed himself.

MR. ROCHE (Galway, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that Mr. Thomas Hayes, of Portumna, on leaving his house on Sunday the 11th of May, to attend evening service, was shadowed by Constable Murphy, who, when Mr. Hayes met two of his friends and stood to speak to them, stepped in between the three men, and ordered Mr. Hayes who was smoking at the time, to stop doing so; that, upon Mr. Hayes' refusal to obey the order, and telling the constable that if he did not like the smoke he could easily get rid of it by walking away, he was arrested, brought to the barrack, searched, and £87 found in his pocket; that, although Mr. Hayes told the police he had sent on 15 cattle to the fair of Woodford, which was to be held on the following day, and requested that he should be brought before a Magistrate that evening, or early in the morning, so as to allow him to attend to the sale of his cattle, his request was refused, and he was kept in custody until 12 o'clock noon on Monday, and lost the sale of his cattle; whether Constable Murphy is the same man against whom both Mr. Fahy and Mr. Morrissey obtained decrees for £5 and £2 at last Quarter Sessions, held at Gort, for false arrest; can he explain how it happened that, although Mr. Hayes was arrested on the 11th of May, the matter was allowed to drop until Fahy and Morrissey had obtained decrees against the constable; whether he has seen that it was proved at the trial that the constable had taken several pints of porter before he arrested Mr. Hayes, and that, after a full hearing, the case was dismissed; and, if so, what compensation is Mr: Hayes to get; and what action he proposes to take in reference to the constable?

MR. A. J. BALFOUR: I must ask the hon. Gentleman to defer the question until Monday. I have not yet received information upon it.

VICE GUARDIANS.

MR. SEXTON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland what Irish Poor Law Unions were administered by Vice Guardians during the years 1886, 1887, 1888, and 1889, or any of those years?

MR. A. J. BALFOUR: The Unions administered by Vice Guardians during the years 1886, 1887, 1888, 1889, have been as follows:—New Ross, Belmullet, Swineford, Ballinasloe, Athy, Dungarvan, Ballyvaughan, Portumna, and Cork.

BEER AND SPIRIT DUTIES.

MR. SEXTON: I beg to ask the Chancellor of the Exchequer whether he can now communicate to the House the information obtained in his further inquiry as to the incidence of the Beer and Spirit Duties, and whether he intends to present a Supplementary Estimate; whether he proposes to transfer this Session, as contemplated by the Land Purchase Bill, the charge of £5,000 for improving the breed of horses and cattle in Ireland from the Irish Local Taxation Account of the Estimates; and whether he intends to legislate this Session to secure to Ireland in the present financial year the Exchequer contribution of £40,000 to which she is entitled?

MR. GOSCHEN: With regard to the first question—namely, as to the incidence of the Beer Duty—the inquiries which I have made result in a remarkable agreement with the figures on page 4 of the Return of May 7 last. That Return gave the duty on beer exported from Ireland to England in 1888-9 as £190,000. The actual figures for 1889-90 have now been carefully examined and taken from the bills of entry for the Port of Dublin. The value of the duty paid on beer exported from England to Ireland is, as near as possible, £190,000. With regard to the duty on beer exported from England to Ireland I have learned nothing to show that the figure of £35,000 was under the mark. Here is the difficulty—that there are neither official nor commercial Returns, as the exports from English ports to Irish ports are not entered or tabulated by the Customs. I am still making inquiries, but it seems that the amount of beer sent to Ireland from England is not likely to be larger than, and is possibly inferior to, the amount given in the Return in question. Regarding foreign spirits no record was previously kept of the parts of the United Kingdom where they were consumed, but a system has now been established for following them up similar to that pursued in the case of home spirits The few weeks during which it has been in operation show no ground for believing that the calculations in the Return of May 7 were incorrect, but the time is too short to afford any really fresh knowledge. So far, then, as my investigation has proceeded there is nothing to change the figures submitted last May, so that there is no qnestion of Supplementary Estimate at present. I do not propose to legislate this Session for the transfer of the charge of £5,000 for improving the breed of horses and cattle in Ireland from the Irish Local Taxation Account to the Estimates. There is no reason for doing so till the Land Purchase Bill is passed. With regard to the last question, legislation will not be necessary to secure to Ireland the contribution of £40,000 referred to by the hon. Member, but he may take it as certain that I will introduce a Supplementary Estimate to secure this sum to Ireland during the present financial year.

DEATH IN A LUNATIC ASYLUM.

MR. W. CORBET (Wicklow, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Inspectors of Lunatics have made any report on any death of Christopher O'Connor in the Richmond District Lunatic Asylum; and, if so, what is its purport?

MR. A. J. BALFOUR: The Inspectors of Lunatic Asylums report that they have addressed the Board of Governors of the Richmond Asylum on the subject of O'Connor's death, who have appointed a special meeting, on the 22nd instant, for the purpose of further investigating the matter.

MR. M. WELD O'CONNOR.

MR. T. M. HEALY: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the report of the Judgment of Mr. Justice Monroe, *re* "King's Estate," in the Dublin papers of 4th July, dismissing Mr. Matthew Weld O'Connor from the Receivership, and commenting strongly on his conduct in allowing four tenants to be sued for £27 2s., rents they had already paid, and surcharging him therewith, and with other sums, amounting to £181 13s., "verified" by Mr. O'Connor to have been spent on police huts and emergency men: whether Mr. O'Connor is a Magistrate for the three counties of Longford, Cavan, and Meath, and will be retained in the Commission of the Peace; whether he has observed that Judge Monroe also condemned the conduct of an under agent, named Francis Cooke, of whom his Lordship remarked that his form of receipt was "a curiosity," but

> "Did not feel at liberty in holding on mere suspicion that Cooke had been guilty of perjury and fraud;"

whether Cooke is barony cess collector, process server, and summons server in Longford or Leitrim; will Government take any steps to have him removed from these positions; will a secret inquiry, under Section 1 of the Criminal Law and Precedure (Ireland) Act, be held to obtain evidence to prosecute Cooke in case that existing already is not considered sufficient; if not, is the suspicion of "perjury and fraud" con-

sidered insufficient to ground such inquiry; and is Cooke the same person who was tried for shooting a girl in Mohill, and got off on the plea of self-defence?

MR. A. J. BALFOUR: I beg to refer the hon. and learned Member to the reply given to this question when down some days ago, so far as it relates to the case of Mr. O'Connor. With respect to the case of Cooke, he appears to hold in the County Leitrim the positions mentioned in the fourth paragraph. As, however, such appointments are not made by the Irish Government, they have no power to consider the propriety of his continuing to hold them, or otherwise. There does not appear to be any ground for the course suggested in the sixth paragraph. In the absence of any positive direction from the Judge, the proper course would appear to be for the aggrieved party to make complaint on oath, whereupon the necessity for criminal proceedings would be considered. Cooke had on a former occasion been returned for trial as stated in the last paragraph, but the Grand Jury found "No bill" in the case.

MR. T. M. HEALY: Is not the estate in Chancery, and, if so, is it not the Court of Receivers who are the aggrieved persons? Seeing that the Judge suggests a suspicion of perjury and fraud, is it not a case for a prosecution?

MR. A. J. BALFOUR: I will make an inquiry into the facts of the case.

MR. T. M. HEALY: I will repeat the question on Monday.

DUBLIN HOSPITALS.

MR. SEXTON: I beg to ask the Secretary to the Treasury whether, having regard to the proposal made last year in the Dublin Hospitals Bill of the Government, and the fact that the Bill has not been pressed forward this year, as promised, the Government will take steps, pending a permanent settlement of the question, to effect the purpose of the Bill by distributing the amount of the annual grant among the several Dublin hospitals, according to the relative extent and value of public service rendered?

*THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): Although it has not been possible to introduce a Bill this Session, I hope that some agreement may be arrived at as to details, &c.; a Bill may be introduced next Session. In the meantime I do not think it would be possible, seeing that the present system has been in existence for more than 30 years, to make a re-apportionment.

MR. SEXTON: I think it is quite possible, and I would suggest the propriety of passing a Vote in bulk, without defining the amonnt to be appropriated to the different institutions.

MR. JACKSON: I understand that a Bill is absolutely necessary.

DUBLIN COLLECTOR GENERAL OF RATES OFFICE.

MR. SEXTON (Belfast, W.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland with reference to the fact that since the introduction, this Session, of a Bill containing provisions for transferring the collection of certain local rates to the Corporation of Dublin, Robert Henchy and William Perry, to the office of the Collector General of Rates Dublin, have been retired, by the Lord Lieutenant, upon pensions of £311 0s.1d. and £40 respectively, chargeable to the city of Dublin; and Robert J. Henchy (son of the before-mamed Robert Henchy), Robert M. Richardson, and William Welsh, have been appointed by the Lord Lieutenant to the staff of the Collector General's Office, at salaries of £170, £130, and £110 respectively, mainly chargeable to the city of Dublin; canhe state what were the salaries, ages, and terms of service respectively of Robert Henchy and William Perry; why two warrant officers were appointed in place of one retired; what were the occupations of Robert J. Henchy, Robert M. Richardson, and William Welsh, before their appointment to the Collector General's office; whether they were recommended by the Collector General, and their appointments declared to be requisite; and whether he is aware that Mr. Richardson and Mr. Welsh are 50 years of age, and will he explain why they have been appointed at such an age to offices bearing a right of pensions chargeable to the funds of the city?

MR. A. J. BALFOUR: Mr. Robert Henchy's pensionable emoluments as a collector in the Collector General's Office consisted of poundage, bonus, and salary, the average of which, for the three

years preceding his retirement, amounted to £466 10s. 2d. His age at time of retirement was 68, and he had a service of 37 years. Mr. Perry had emoluments, consisting of salary and poundage, amounting to an average of £240 a year. His age was 65, and he had completed 10 years service in the Collector General's Department. Two warrant officers were appointed in place of one (Mr. Perry), on the recommendation of the Collector General. In connection with Mr. Perry's retirement the Collector General reported that when Mr. Perry was appointed in August, 1879, he was required by Mr. Byrne, the then Collector General, to appoint a deputy, whom he paid out of his income as warrant officer. The Collector General reported that for some time he had thought it would be necessary to make a change in that department of his office, and that the proper course would be to appoint two warrant officers, one for the south and the other for the north side—the emoluments of the two not to exceed the £240 a year heretofore paid to the one officer, who had to appoint and pay a deputy. Mr. Robert J. Henchy assisted his father in the general work connected with the collection of rates, and was employed as a temporary clerk in the Collector General's Office. Mr. Robert M. Richardson was the deputy warrant officer employed by Mr. Perry. Mr. W. Welsh was secretary to a club. They were recommended by the Collector General, and the appointments declared to be requisite. Both gentlemen are, I believe, 50 years of age. There has been no regulation laid down as to the age for warrant officers. Both these gentlemen have been informed that they can only hold their appointments while they are able actively to carry out the duties. They will not be entitled to pensions till they have completed 10 years' service, and then only to 10-60ths of their emoluments. Mr. Richardson's temporary service will not count towards pension. An additional sixtieth would be added to the pension for each additional year's service after 10.

MR. SEXTON: Can the right hon. Gentleman cite any precedent for the appointment of persons of 50 years of age to posts which carry a high rate of pension, and does he consider it decent of the Irish Government to make changes involving charges of £300 for pension and £400 for salary upon the City of Dublin at a time when the decision of Parliament is being sought by a Bill on this very question?

MR. A. J. BALFOUR: I am not aware of the circumstances relating to the appointments to which the hon. Gentleman refers, and must ask for notice of the question.

MR. SEXTON: Is the right hon. Gentleman not aware—has he not appeared by his agent, Sir Richard Wyatt, before the Committee on the Bill, and by counsel? Surely he must be aware of his own action.

MR. A. J. BALFOUR: I am perfectly cognisant of the action taken by the Irish Government with regard to the Bill before the House. What I said I was not cognisant of were the details relating to the appointment of these gentlemen.

MR. SEXTON: At the very moment we were seeking the decision of Parliament on the future of this office, does the right hon. Gentleman justify the Irish Government in interfering and making appointments which will throw charges amounting to £700 a year on the City of Dublin?

MR. A. J. BALFOUR: My reply to the question as to whether the course which has been taken in this matter was proper or improper is, that it is not one on which I should be asked to give an opinion if I say I am not acquainted with the details of the action of the officials in this case. I must ask for notice of the question before being asked to give a judgment upon it.

MR. T. M. HEALY: As the right hon. Gentleman instructed Sir Richard Wyatt to make the allegation both before the Commons' Committee and the Lords' Committee, that if the Dublin Corporation got this office into its hands it would use it for political purposes and prevent Conservatives getting votes, I will ask whether Mr. Welsh, who has just been appointed, is not the Tory agent on the revision of voters' claims in the City of Dublin; and is it decent to put a pronounced partisan of that kind into an office connected with the franchise?

MR. A. J. BALFOUR: I must have notice of that question.

BUSINESS OF THE HOUSE.

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I wish to ask the right hon. Gentleman the First Lord of the Treasury when the Bill relating to Heligoland will be taken? I wish also to ask the right hon. Gentleman a question as to Malta and the mission of Sir Lintorn Simmons. That is distinctly a question for discussion on the Colonial Vote, on which it is understood we may ask for information or make any remarks we have to make. I hope he will be able to hold out a prospect of an early day being fixed for that Vote. The question I have referred to is of great interest to the Irish Members, and it would be hard upon them to be kept waiting for the discussion to come on.

*MR. W. H. SMITH: The right hon. Gentleman will understand that I am not able to say on what day that Vote will be taken. I hope it may be possible to complete Irish Supply to-morrow, and, in that case, we shall be in a position to forecast the course of public business. On Monday I shall be able, probably, to state when we shall take the Colonial Vote.

MR. J. MORLEY (Newcastle-on-Tyne): After what hour will the Votes in Class 4 not be taken, and what will be the business on Monday?

*MR. W. H. SMITH: Class 4 will not be entered upon after 11 o'clock unless with the concurrence of hon. Members. In regard to the question of the right hon. Gentleman the Member for Mid Lothian, the subject he referred to can be raised, not on the Colonial, but on the Foreign Office Vote. On Monday the Committee on the Housing of the Working Classes Bill, and the Second Reading of the Census Bills will be taken.

MR. T. M. HEALY: The Irish Members have shown that they do not desire to delay the Irish Votes, but I hope the right hon. Gentleman will make arrangements for continuing the Irish Votes on Monday, as on Friday the Secretary to the Treasury will have to make an important statement on the subject of Light Railways.

*MR. W. H. SMITH: Her Majesty's Government have set apart a fortnight for the Irish Votes, and other business must be proceeded with on Monday.

MR. MUNDELLA (Sheffield, Brightside): What is proposed to be done with regard to the Reformatory Schools Bill and the Industrial Schools Bill?

*MR. W. H. SMITH: I have already stated that if those Bills are opposed it will not be possible to proceed with them this Session. As several notices of opposition appear on the Paper, I fear they will have to be postponed until next Session. The responsibility for the postponement must rest upon those who have given the notices.

MR. DILLON: Will the Chief Secretary consent to postpone the Report of Supply on the Land Commission Vote? I refrained from discussing the land purchase branch of the Land Commission yesterday, in order that the Vote might be taken, though I might have talked it out. Under these circumstances, I will ask the Chief Secretary not to take Report of the Land Commission Vote until such time as a reasonable opportunity for further discussion might be available.

MR. A. J. BALFOUR: I cannot at present say more than that the Report of this Vote will not be taken to-night.

LAND COMMISSION—IRVINESTOWN.

MR. W. REDMOND (Fermanagh, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he will explain why the Land Commission is to hear the Irvinestown cases in Enniskillen, instead of at Irvinestown, in view of the great inconvenience which the change will cause to the farmers of Irvinestown, who will have to travel 18 miles to Enniskillen in order to have their rents fixed?

MR. A. J. BALFOUR: The Land Commissioners state that the Chairman of the Sub-Commission referred to reports that, at the request of the solicitors for the landlords and tenants, the Sub-Commission arranged to take up such Irvinestown cases as could be conveniently heard at Enniskillen in that town, on the 22nd, 23rd, and 24th instants, provided both sides agreed to appear there on these days, and with regard to any such cases which could not be conveniently heard at Enniskillen the Sub-Commission announced their intention of taking them up on some later day at such place as the hearing could be more conveniently held.

THE CASE OF MR. EDWARD ATTHILL.

MR. W. REDMOND: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether Mr. Edward Atthill, of Advarney House, Ederney, County Fermanagh, who was arrested and lodged in Sligo Gaol on a charge of forgery, is a Magistrate for Fermanagh; and, if so, is he to be allowed to retain the Commission of the Peace?

MR. A. J. BALFOUR: I am informed that Mr. Atthill was not arrested on a charge of forgery, but was imprisoned for contempt of Court. The Report before me does not show when this occurred; but if the matter has not been already before the Lord Chancellor I have no doubt it will receive his consideration.

IRISH VOTES.

MR. MAC NEILL (Donegal, S.): I wish to ask the right hon. Gentleman the Secretary to the Treasury in what class can be found the Vote for the Ulster King at Arms and the Knight of St. Patrick.?

*MR. JACKSON: In Class VII.

MR. MAC NEILL: Why are they not in the same class as formerly?

*MR. JACKSON: Because in the rearrangement of the Votes it was found convenient to put several of these small Votes together.

THE IRISH CENSUS BILL.

MR. T. M. HEALY: I wish to ask the Chief Secretary whether the Irish Census Bill will provide for ascertaining the exact proportion the loyal minority in Ireland bears to the whole population?

MR. E. HARRINGTON (Kerry, W.): And will he consider the desirability of including in the Census Returns statistics showing the number of evicted tenants?

MR. A. J. BALFOUR: I am afraid I cannot do anything of the kind.

REGISTRATION OF VOTERS (BOROUGH OF BELFAST) BILL.—(No. 153.)

Lords Amendment to be considered forthwith; considered, and agreed to, with an Amendment.

PERPETUAL PENSIONS.

Copy ordered—

"Of Treasury Minute, dated the 15th day of July, 1890, on the subject of determining some of the remaining Perpetual Pensions, &c."—(*Mr. Jackson.*)

Copy presented accordingly; to lie upon the Table, and to be printed. [No. 305.]

ULTIMUS HÆRES (SCOTLAND) (LIST OF ESTATES).

Return ordered—

"Of Alphabetical List of Estates which fell to the Crown as Ultimus Hæres in Scotland, administered by the Queen's and Lord Treasurer's Remembrancer, virtute officii, in the year ended the 31st day of December, 1889."—(*Mr. Jackson.*)

Return presented accordingly; to lie upon the Table, and to be printed. [No. 310.]

BILLS OF SALE [LORDS] BILL.

Bill read the first time; to be read a second time upon Monday next, and to be printed. [Bill 384.]

PUBLIC HOUSES, HOURS OF CLOSING (SCOTLAND).

Return ordered—

"Showing (1) the hour of closing licensed premises prescribed in each Burgh or County in Scotland in which such hour is earlier than 11 p.m., and the date of the adoption of such earlier hour; (2) in the case of each Burgh and County in which an earlier hour than 11 p.m. was prescribed as the hour of closing in 1888 or 1889, the number of Arrests for Drunkenness in the twelve months immediately preceding and in the twelve months immediately succeeding the adoption of such earlier hour in such Burgh or County; and (3) the names of each Burgh and County in which the licensing authority under the Public Houses, Hours of Closing (Scotland) Act having been empowered to fix an earlier hour, 11 p.m. has been retained as the hour of closing."—(*Dr. Cameron.*)

DRUNKENNESS (SCOTLAND).

Return ordered—

"Of the number of Persons arrested as (1) drunk and disorderly, and (2) drunk and incapable, in the different burghs and counties in Scotland during the year ending on the 31st day of December 1889, distinguishing between those arrested between the hours of 8 a.m. on Sunday and 8 a.m. on Monday, and those arrested during the rest of the week (in continuation of Parliamentary Paper, No. 156, of Session 1887)."—(*Dr. Cameron.*)

MESSAGE FROM THE LORDS,

That they have agreed to,—Public Health (Scotland) Act (1867) Amendment Bill without Amendments; Companies (Memorandum of Association) Bill

Iniectious Disease (Prevention) Bill, h Amendments.

That they have passed a Bill, intituled "An Act to assent to certain provisions in an Agreement between Her Majesty and the German Emperor." [Anglo-German Agreement Bill [Lords.]

MOTIONS.

CENSUS (ENGLAND) BILL.

On Motion of Mr. Ritchie, Bill for taking the Census in England, ordered to be brought in by Mr. Ritchie, Mr. Attorney General, and Mr. Long.

Bill presented, and read first time. [Bill 385.]

CENSUS (IRELAND) BILL.

On Motion of Mr. Arthur Balfour, Bill for taking the Census in Ireland, ordered to be brought in by Mr. Arthur Balfour and Mr. Attorney General for Ireland.

Bill presented, and read first time. [Bill 386.]

CENSUS (SCOTLAND) BILL.

On Motion of the Lord Advocate, Bill for taking the Census in Scotland, ordered to be brought in by the Lord Advocate, Mr. Solicitor General for Scotland, and Sir Herbert Maxwell.

Bill presented, and read first time. [Bill 387.]

LONDON COUNTY COUNCIL (MONEY) BILL.

On Motion of Mr. Jackson, Bill to further amend the Acts relating to the raising of Money by the London County Council, and for other purposes, ordered to be brought in by Mr. Jackson and Mr. Chancellor of the Exchequer.

Bill presented, and read first time. [Bill 388.]

PUBLIC WORKS LOANS BILL.

On Motion of Mr. Jackson, Bill to grant money for the purpose of certain Local Loans, and for other purposes relating to Local Loans, ordered to be brought in by Mr. Jackson and Mr. Chancellor of the Exchequer.

Bill presented, and read first time. [Bill 389.]

ORDERS OF THE DAY.

COLONIAL COURTS OF ADMIRALTY BILL [LORDS].—(No. 260.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 2.

(4.45.) MR. A. O'CONNOR (Donegal, E.): This Bill appears to me to be very strangely drafted. There is a clause at the end which apparently was introduced as an afterthought, and by it Vice Admiralty Courts throughout the British possessions are abolished. Yet in Clause 9 there is power given to establish Vice Admiralty Courts; and, therefore, it seems to me a most difficult matter to construe this Bill, having regard to Clauses 9 and 17.

*(4.46.) THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight): The Bill was prepared as far back as 1885, and has been the subject of most careful negotiation between the colonies and the Colonial Office. The power of establishing Vice Admiralty Courts, to which the hon. Member has drawn attention, is merely for the purpose of enabling them to be established in small colonies where the ordinary provisions do not apply. The scheme is one to secure that there are Courts of Admiralty in all British possessions.

Clause agreed to.

Clause 17.

(4.48.) MR. A. O'CONNOR: This is the clause which abolishes Vice Admiralty Courts throughout the whole of the British possessions. Now, under the Interpretation Act of last year the words "British possessions" were held to include "all possessions of the Crown, whether self-governing colonies or not." Under Sub-section 3 of this clause all officers of Vice Admiralty Courts who sustain any pecuniary loss in consequence of the abolition of the Courts are to receive reasonable compensation. Where, I want to know, does the Government claim to obtain the Constitutional right of imposing a money charge upon self-governing colonies in respect of officers whose functions are brought to an end, not by the action of the colony in the first instance, but by the action of the Imperial Parliament? I submit that this is a very questionable proceeding in point of Constitutional Law.

*(4.50.) SIR R. WEBSTER: I understand the hon. Member to raise this point so far as it affects the self-governing colonies. I may inform him that the Bill was specially referred to those colonies, and their consent obtained to the Bill. I do not think there is anything unconstitutional in inserting the provision.

(4.51.) MR. A. O'CONNOR: If the consent of the self-governing colonies has been obtained, would it not be proper to set that fact forth in the Preamble, and

thus save the Constitutional rights of these Governments?

*(4.52.) SIR R. WEBSTER: I do not think it is either necessary or usual.

Clause agreed to.

Bill reported, with an Amendment; as amended, to be considered to-morrow.

SHREWSBURY AND HOLYHEAD ROAD (ANGLESEA AND CARNARVON) BILL.—(No. 377.)

Bill considered in Committee, and reported, without Amendment; read the third time, and passed.

SUPPLY—CIVIL SERVICE ESTIMATES, 1890-91.

Considered in Committee.

(In the Committee.)

CLASS III.

Motion made, and Question proposed,

"That a sum, not exceeding £82,766, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Salaries, Allowances, and Expenses and Pensions of various County Court Officers, of Divisional Commissioners and Magistrates in Ireland, and the expenses of Revision."

(4.55.) MR. W. O'BRIEN (Cork, N.E.): If the Irish Members were to insist on discussing in anything like detail all the complaints they have to make against the Divisional and Resident Magistrates whose salaries are included in this Vote, there would not be much probability of the First Lord of the Treasury realising his anticipation of concluding the Irish Estimates to-morrow. I propose to allude briefly to one specimen of these Removable Magistrates. I want to call attention to the conduct of an ex-Indian official, Colonel Caddell, whose only qualification for his office is his churlish insolence to every one who addresses him. For nearly nine months this gentleman has been ruling in Tipperary with as much unbridled power as if he were a Turkish Pasha. He is one day commanding the police when dispersing a meeting, and the very next day sitting in judgment upon their conduct. Colonel Caddell was one of my Judges at Clonakilty. On that occasion I was cross-examining a police note-taker, named Garvey, who had taken bodily out of a newspaper my speech and the speech of my hon. Friend the Member for West Cork, but swore that he had taken them down while they were being delivered. Garvey's evidence was so evidently perjured that, though my hon. Friend was sentenced to two months' imprisonment, the Government never dared to meet the case in a Superior Court, and the sentence on my hon. Friend has never yet been enforced, although I myself went through four months' imprisonment on the evidence of this policeman. I was cross-examining this policeman when Colonel Caddell came to his rescue and said that if the man had copied the speech correctly from the *Freeman's Journal* it was the newspaper, and not the witness, that I should accuse of perjury. That is a sample of Colonel Caddell's intelligence; he failed altogether to appreciate the difference between a man swearing that he had taken a note of a speech and copying it from a public newspaper. He did not know the difference between a newspaper reporter taking a note honestly for his paper and a police shorthand writer stealing that report and swearing it was his own note. That is a fair specimen of Colonel Caddell's intelligence, but I am glad to say that the condition of this gentleman's liver has a great deal more to do with his government of Tipperary than his intelligence. Here is another illustration of the double function Colonel Caddell fulfils in Tipperary, first as a policeman, and then as a Magistrate—

"Constable King appeared on the table to prosecute Miss Hogan and Mrs. Nunan, and John Hennessy, William O'Brien Street, for groaning at the police on the day the evicting party knocked down Mr. O'Brien-Dalton's mill. Mr. O'Dwyer, LL.D., appeared for the defendants——"

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): What is the date?

MR. W. O'BRIEN: The date is the 15th February last. It is the case of two ladies, Miss Hogan and Mrs. Nunan, respectable shopkeepers in the town, who were prosecuted for groaning at the police, but that is not the point I am on. Mr. O'Dwyer, their solicitor, called Colonel Caddell's attention to the fact that he (Colonel Caddell) had been in command of the Police Force upon the day in question, and asked him would he undertake to adjudi-

cate in the present proceedings? Colonel Caddell replied that on the occasion referred to he was acting ministerially, and that in the present instance he was acting judicially. Here you have a distinct and naked claim, which he has repeatedly enforced, on the part of Colonel Caddell—that Colonel Caddell the Magistrate can sit in judgment upon Colonel Caddell the policeman and his subordinates. The people of Tipperary are expected to reverence the law that is administered by such an insulting — I do not hesitate to call him so—jackanapes as this gentleman who, when a clergyman addresses him in the streets of Tipperary, sticks out his tongue at him, and who has never to this day apologised or explained—I invite the Chief Secretary to explain it if he can—the indecent, filthy language which he addressed to a respectable poor young girl in Youghal who was at the time in the custody of his policemen. This is the sort of thing that goes on every week, almost every day, in Tipperary, and it is into the hands of persons like Caddell—I venture to say again, an ignorant, insulting, and incompetent little tyrant—it is into his hands that the peace of Tipperary and the lives of a whole community have been committed for the last nine months. Let me give another specimen of the conduct of this Magistrate. It was Colonel Caddell who superintended, and is responsible for, the outrage that was perpetrated over poor Michael O'Dwyer's grave; and we are not going to allow that outrage to pass without reminding this House and the English people of it again and again. The Chief Secretary complained the other night that we repeat our charges. Well, Sir, we do, and we will; and we will not only repeat them in this House, but we will repeat them from end to end of England, and I rather think the right hon. Gentleman's complaint is not so much against us as against the English constituencies, who have repeated again and again their verdicts upon those charges. It is not surprising that their verdicts are beginning to be a little monotonous to the right hon. Gentleman. But what are the facts of the outrage in the graveyard at Tipperary? Mr. O'Dwyer was one of the most respectable men in the whole town—a splendid young man about 30 years of age. He was under a notice of eviction by Mr. Smith-Barry. His little baby had died a short time before, and his wife was on the point of death. He was being buried, and actually, while the coffin was being brought out of the church in Tipperary, a body of policemen came up, and posted on the gates of the church a proclamation signed by Colonel Caddell proclaiming the funeral as an illegal assembly. The town was crammed with policemen that day. Huge bodies of them armed with rifles moved about in the funeral procession, and a force of them galloped to the head of the procession—shadowing the dead. When we came to the graveyard we found Caddell and a body of policemen drawn up outside it, and they stood there while that solemn ceremony was going on, Caddell with an insulting smirk upon his face. He was not satisfied with that, and, acting on his orders, a body of policemen rushed into the graveyard and forced their way within a few feet of where the coffin was lying. These policemen had not the common decency to take off their spiked helmets while the funeral service was being performed. They remained there throughout, the people being maddened and outraged by their presence, and the moment there was a word of protest uttered by my hon. Friend the Member for East Tipperary, instantly the police note-taker brought out his note book and took down what was said. I want to know is it possible to imagine any proceeding that was better calculated to wound and to outrage the deepest and the dearest feelings of the people than the conduct which I have described? Because the people are so patient, we see what use is made of their patience. The very same thing happened at the grave of my poor Friend Matthew Harris, the late Member for East Galway. The police then again forced their way into the graveyard, stood by the grave, took a note of what was said there, and I believe that was claimed to be a perfectly proper proceeding on their part, because the people did not take the ruffians by the neck and throw them out of the graveyard. But the police pursued poor Michael O'Dwyer beyond the grave. Three or four days after his interment, when his wife had struggled up to open

the shop, the first person who came into it was a policeman with a notice that he meant to oppose her licence at the next Sessions—that is say, the police would try to deprive her of her only means of livelihood simply because she had refused to supply an emergency man when he was brought into her shop by some policemen with the deliberate purpose of entrapping her into a refusal. Because she would not facilitate Mr. Smith-Barry in provisioning his garrison in Tipperary the poor woman, broken-hearted as she was, is told by the police that her last means of livelihood are to be taken away from her. That is only another specimen. I could give hundreds and thousands of them if necessary. I ask any Member on either side of the House how long he would be prepared to tolerate such a state of things? I venture to say our people would be the veriest slaves and hounds, and should be justly considered so, if they did not loathe the law and order that is associated with men like this Caddell. The only reply we get in this House when we mention these things is that crime is common in Tipperary. I venture to say that the only crime in Tipperary is that which is encouraged by Caddell and his policemen. A struggle has been going on in that town now for 12 months, and two vast estates have been cleared, and I defy the Chief Secretary to name one single act of bloodshed that has been committed by the people. I could name acts of bloodshed on the other side, and I venture to say there never was a people—and they a hot-blooded people—who conducted themselves so crimelessly, so peacefully, and so marvellously in the face of insults like those this man Caddell has heaped upon them day after day. And what is the result? You have achieved the maximum as regards outraging the people's feelings, and you have accomplished only the minimum as far as your own purposes are concerned. This condition of affairs in Tipperary, if it were not so horrible in many ways, would be downright ridiculous and disastrous. For nearly nine months Colonel Caddell has had at his back about 130 policemen and 600 or 700 soldiers. He has absolutely limitless power both as a police bravo and a Police Magistrate under the Crimes Act. He has done all that a man could do—all that I verily believe a demon with all his ingenuity could do—to exasperate the people into riot and disturbance, and what is the result? At this moment the combination against which you are in vain fighting, and the legality of which the Chief Secretary was practically obliged to acknowledge the other night, is as firmly rooted as the Rock of Cashel. Notwithstanding all the horrible shadowing that has been going on, Colonel Caddell has not succeeded in establishing a single successful prosecution for boycotting. Although priests are dogged from day to day, and every prominent man is dogged by policemen, I venture to say the only thing he has succeeded in has been acquitting policemen who jostled men they were shadowing, and in punishing men who remonstrated with the police. At this moment he is an utter failure in Tipperary, and still he is allowed to remain there, day after day, as a constant source of outrage and insult to the whole community. I only wonder that he has not been actually promoted for his services in Tipperary. He is the best of all types of the Resident Magistrate, who is promoted actually in proportion to his brutality to the people of Ireland. There is scarcely a man who has so distinguished himself who has not found the results in speedy promotion. There is Mr. Cecil Roche. I saw him beat with a stick a man in Tralee, who had the temerity to salute me, and he afterwards gave him three months in gaol. His salary has been increased by several hundred pounds since, and I am told that at this moment he is indignant because more has not been given to him. I am also told that there has been a good deal of indignation and heart-burning on the part of Caddell, because he has not been promoted to a Divisional Commissionership. All I can say is, if these are the sort of men the Government have pinned their faith to, we need not object except for the sake of the unfortunate people who are subjected to their outrages. These men are doing our work. They are exemplifying the hatefulness and the impossibility of the present system of government in Ireland, and all I can say is we have not the least objection that you should choose such instruments in Ireland so long as you carry on a

system of coercing and oppressing the Irish people. It is quite another thing how these proceedings will be regarded in England, and I venture to say the longer you continue this system in Ireland the surer you are, in the first place, to cement our Union in Ireland and the combination of the Irish tenants; and, in the second place, to meet condemnation here where you fear it most.

(6.20.) MR. DILLON (Mayo, E.): This subject of the Irish Magistrates has been frequently and fully brought before the House. We have proved on many previous occasions that the *personnel* of the Irish Resident Magistracy would be a disgrace to any Government in the world. It has been shown, I regret to say, and no one has attempted to contradict it, that successive Governments—and I do not blame the present Government more than its predecessors—have made it a custom to appoint to these most important posts in Ireland men with absolutely no qualifications for the position; men not only without any experience of civil administration, but the whole course of whose lives has been such as to unfit them for the delicate task which they have to perform. I am speaking now from the point of view of the Chief Secretary himself. We have Returns before the House in which the antecedents of all these gentlemen are set forth, and as well as I can remember now, and I have not the Returns by me, three-fourths of the Resident Magistrates of Ireland are retired military men; and when we look into the *personnel* of the remainder, we find that with few exceptions there is little more to recommend the civilians than the military men. We find for the most part that they are broken-down "ne'er-do-wells" of county families in Ireland, whom their relatives will not support, and who are utterly unable to make their own way in the world—men of no education or knowledge but of hunting, shooting, fishing, and hare coursing. On one occasion an interesting collection of letters fell into our hands at an auction in Dublin, letters of application to the Lords Lieutenant, in which the most ludicrous reasons were set forth as justification for their application for appointment as Resident Magistrates. Well, the result has been the appointment of men with no sort of qualification for the duties and difficulties of the position. I intend to explain fully the reasons why we Irish Nationalists think the office of Irish Resident Magistrate is an office that ought not to exist under any Government, and I will explain that in a few minutes. It must be admitted by all sections that the duties under a Coercion Administration are of a peculiarly difficult and delicate character; and that, in order to secure the due discharge of those duties, even from the point of view of the Chief Secretary and his supporters, men should be selected who are well experienced in civil administration, trained, and who may be expected to restrain their temper with rigid self-control under difficult circumstances, and who are somewhat versed in the Criminal Law. Now, I need not go at length into the matter, for I do not think it is contended that these qualifications are in any considerable number of cases possessed by the present occupants of the posts of Resident Magistrates. It is a scandalous condition of things. There is not a man on these Benches, nor do I think there is an Irish Representative opposite, who has not witnessed the scandalous behaviour of these men at Petty Sessions. I recollect perfectly well, before the late agitations arose, in my own district in East Mayo a Resident Magistrate, a retired Army Officer, who was in the habit of drinking too much; and I know that day after day he attended the Petty Sessions Court under the influence of drink, and frequently he did not attend at all. There was no remedy. I have watched the unfortunate people coming in with their solicitors from a distance, for there was at that time no solicitor in the town. I have seen them waiting for hours, losing their time and their solicitors' fees, and no Magistrate came. When on the Bench his bearing, his language, was that of a fishwife. I remember a case brought before him in which a tinker was charged with stealing a donkey; and in an altercation which took place, it was difficult to understand from the language used which was Magistrate and which was tinker. I am referring to a considerable number of years ago; but this is a case that came within my personal knowledge, and he occupied the Bench for a number of years. For a quarter of an hour re-

criminations were exchanged between the Magistrate and the tinker, police and people standing by and regarding it as the ordinary method of administering justice. This same Magistrate, travelling to a country station one wet evening, found that there was only one car at the station, which had been secured by a commercial traveller. The Magistrate ordered the commercial traveller to get off the car, which the man refused to do. The Magistrate then ordered the two policemen who usually attend at stations to drag the man off the car, and this they proceeded to do, and in doing so broke the man's leg. The man was ill for six months, and the Magistrate had to pay £100 compensation. But, after this, this Magistrate was still allowed to occupy his seat on the Bench and administer justice. I only mention this to show the kind of men whom the Irish people in the past have had to go for justice.

COLONEL SAUNDERSON (Armagh, N.): Will the hon. Member give the date of this occurrence?

MR. DILLON: It took place about seven years ago. I do not present it as more than an illustration. The facts are admitted and well known in the district. I only mention it to show the scandalous system which was allowed to go on, and it is to be charged against all Administrations—not only the present—that this scandalous system has been allowed to grow up and form an integral part of Irish government. All Administrations I say, must share in the blame. And now I come to what I consider to be the fundamental blot, or, at all events, one of the fundamental blots in the Irish system of Resident Magistrates, such as I do not know is to be found in any free country in the world, and which, even if the *personnel* of the Irish Resident Magistracy were beyond question, beyond all blame, would condemn the whole system. It is this: that you have in Ireland a system under which police officers act as Magistrates. Now, I ask any hon. Member, any Englishman, what would he say if in any district a police officer were to sit on the Bench and decide cases in which the police acted as prosecutors? And, unhappily, the objection is very much stronger in Ireland than in this country, because in Ireland the number of prosecutions instituted and originated by the police is infinitely greater than in this country, owing to a variety of unhappy circumstances. I need not now go into detail. Summonses and prosecutions that in England would be left to private initiative are instituted by the police in Ireland, and this makes the position still more intolerable, that a man who as executive police officer directs a prosecution, should then climb on to the Bench and act as Judge in the case. First he orders the prosecution, and is through his subordinates a party to it, and then he decides the case. We have heard a great deal about recent disturbances at Cashel and Tipperary. They are of the same character as many previous disturbances in Ireland. But they serve excellently as an illustration of the complaint I am now about to make. It is terrible that such things should be done in the name of justice as are now being done in Cashel and Tipperary. What happens? Caddell orders the charge by the police, and then he is found sitting on the Bench to decide between the police and the persons who complain against them. Take what happened to myself. I was standing talking peaceably to a friend in the Square of Tipperary when Colonel Caddell ordered the police to charge and baton. The police did not obey orders by batoning the people. But suppose any of these policemen had struck me, what would have been my redress? The Chief Secretary would have told me that I had a legal remedy against the policeman if I could identify him. And where would this policeman have been tried? Before the police officer who ordered the charge. Could you have a more grotesque travesty of justice? Here is another example of the principle which obtains in the administration of the law in Ireland. A man was charged with assaulting an officer who was shadowing him. The charge was that he had shoved the officer off the path. I venture to point out that it is exceedingly necessary, if you have such a system of shadowing as that which now prevails in Ireland, that the assault should be very clearly proved. When an officer walks so closely behind the person shadowed as to kick his heel, while another constable touches his shoulder, it may easily happen that the

action necessary to escape the kicking of the heel and the touching of the shoulder is construed into assault. In the case tried before Colonel Caddell, three civilians, against whose character there is no accusation, swore there was no assault, yet Colonel Caddell, who had ordered the shadowing, called upon the men to find bail. And, therefore, Mr. Morgan Hay, who had gone into the town of Tipperary to transact some business, was sent to gaol for six weeks. That is an illustration of what goes on in Ireland. The police are ordered to adopt a certain course of proceeding, and if a policeman alleges assault in the course of that proceeding he is supported by his superior officer who tries the case. So long as such a system as that prevails you cannot expect the people of Ireland to respect law and order. I want to say this with regard to Mr. Caddell. I have had a good deal of experience of Magistrates and policemen during the agitation in Ireland, and I must say that some of them are gentlemanly and self-restrained. But there are others against whom Irish Members have frequently had occasion to bring charges in this House. Of one, Captain Plunkett, I will say nothing now, as he is dead. Of another, Captain Segrave, I may remind the Committee that when a charge was made against him he was enthusiastically defended by the right hon. Gentleman. There was the fatal day at Mitchelstown, and when I stated what occurred between me and Captain Segrave the right hon. Gentleman defended him. We raked up the antecedents of Captain Segrave, who was compelled to return to that obscurity from which he ought never to have emerged. Captain Segrave's character was so abominable that even the Chief Secretary had to give him up. If necessary, we shall go into the past of Colonel Caddell. I do not like such a method of warfare, but if we are to have scoundrels and ruffians, dragged from the purlieus of society, placed in the seat of justice, we shall be compelled to resort to it. I shall apply myself to the career of Colonel Caddell, and if his record is as foul as that of Captain Segrave, he will have to leave the Bench. There are men sitting on the Magisterial Bench in Ireland who are not fit to be in decent society, and whose record is such that they would not be admitted to any club of gentlemen if it were made known. Rather than see murders and outrages committed upon our people by these dissipated and disreputable wretches, I will rake up their past history, in order to relieve the Irish people of their intolerable presence. I wish now to call attention to what may be described as rather a shady trick of the Irish Executive. I have over and over again called attention in this House to the gross irregularities of the provisional Magistrates in Ireland. The Chief Secretary did not approve of regularising these provisional Magistrates. The Government promised that that payment should be recognised by Statute, but they have not kept their word, and I want to know why they pledge themselves to introduce legislative measures and break their pledge? I suppose it is because they dread the discussion of any such proposal, and it is exceedingly likely, after the experience they have had, that they do not wish to excite further discussion with regard to their policy on matters of this kind. Everybody knows the unpleasant experience of the late Mr. Forster, and the proposal he brought forward, which was supposed to be a device intended simply to meet a tremendous emergency. In order to meet that emergency, Mr. Forster started the idea of decentralisation and division of responsibility, by means of a system of Divisional Magistrates, a system which I contend could not be applied for a single hour to any other country in the world. What happened? Why, that the system, which was intended to meet a grave crisis, became the regular system of the country, and continues to be saddled with all the additional cost and inconvenience it entailed. The recommendation of the Controller and Auditor General was that those payments should be made by Statute, and the Government, although they pledged themselves to carry out his suggestion, have broken that pledge, and have got round the Auditor General by calling the Divisional Magistrates Executive Officers. That is an idea unworthy of a Government. The Auditor General objected to the payment of these three gentlemen as Resident Magistrates, because, under the Act of William, the maximum salary of the Resident Magistrates was fixed at

£750 a year, and the Government, instead of passing a fresh Act creating fresh officers, go to the filthy archives of Dublin Castle, and rake out some musty precedent which enables the Irish Executive to appoint Executive Officers provided the Government pay them. They cease to call these men Resident Magistrates, and describe them as Executive Officers, whom they keep ranging in the air, ready to do anything the Government require; they get the Lord Chancellor to make them Magistrates, and they pay them £1,000 a year as Executive Officers. A more monstrous way of evading the Auditor General was never heard of; and the conduct of the Government in this respect is most disgraceful and must be protested against. Under the present system the Government have placed a superior officer in every district of Ireland, giving him absolute control over all the other Magistrates, who are actually dependent on him for their children's bread. Let us consider how this system works. Some time ago the Government made an appointment which, for brazen-faced indecency, passes anything I ever heard of. I allude to the appointment of Mr. Cecil Roche. Who was Mr. Cecil Roche? He was a briefless barrister utterly unable to make a living at the Irish Bar, and, like many other adventurers, at the Election of 1886 he cast in his lot with the Unionist Party. Briefless barristers and needy adventurers in Ireland generally do cast in their lot with the Tory Party, because all the pickings they hope to get come from that side. Mr. Cecil Roche came over to England and perambulated the country making speeches in the interest of the Government; speeches in which he was prominent for the violence and the vigour of his vituperation. He denounced the Nationalist Party in Ireland in the most horrible language, although I must admit that sometimes we use strong language ourselves, only there is this difference between us, that if I make use of vigorous language I cannot go to the Bench and send my opponent to gaol for six months. Well, what did the Government do? Mr. C. Roche had distinguished himself by this sort of conduct, and I am informed that on one occasion he stated that "when Hell was frozen over he would go down and fight the Parnellites on the ice." Well, when the Election was over he did not go to fight the Parnellites on the ice of frozen Hell, but he got a much more comfortable place, and obtained an appointment under which he was enabled to send the Parnellites to gaol, so that they might experience the effects of hard labour and the plank bed. I regard it as a most disgraceful thing that a man, for going round the country and denouncing the Parnellite Members, should, in something like six months, be placed upon the Magisterial Bench and empowered to send to hard labour and the plank bed men infinitely more respectable than himself. That, Sir, is the historical Mr. C. Roche, and his history is a most scandalous one. Well, let me point out the connection between his appointment and the appointment of the Executive Officers. We have all heard of Colonel Turner, who found Mr. Cecil Roche so utterly unscrupulous and unreliable for the purposes of the Government that he practically used him as a "walking gallows." I may remind the Committee that there was a historical character, a man of great height and physique, standing well over 6ft. 3in. in his stockings, who used to dispose of the rebels by putting a rope round their necks and hanging them over his shoulders whereby he acquired the name of the walking gallows. Mr. C. Roche was used as a facile instrument and unscrupulous tool by Colonel Turner; wherever a case was to be disposed of in which it was essential to secure a conviction Mr. C. Roche was sent. Can anything more indecent be imagined than a system like this, where, in case the Local Magistrates can not be relied upon to adjudicate in certain cases, another man is to be imported from a distance, because he is known to be a thorough-going hater of the Nationalist Party. But this system does not end with Mr. C. Roche; unfortunately, it is being pursued throughout the whole of Ireland. I remember that when I was on my trial the Government would not trust the Magistrate of the district, Mr. M'Carthy—he was too honest a man; they, therefore, imported an ironclad Magistrate, who was an Orangeman of the deepest dye, and made him Magistrate for my district simply in order that I might be tried by him. [*Cries of*

"Name."] The name was Harris, and he was a blackguard, and the reason he was placed upon the Bench was that he was as Orange at heart as he could possibly be. I say that such a system is infamous, and can have no possible justification. I will endeavour to point out to the Committee the work which Colonel Turner does. He was the Executive Officer for Clare, Kerry, and Limerick. As Executive Officer he had the means of life of every Magistrate in the district under his control. I know he could not actually dismiss a man, but I know there is not a Magistrate who does not tremble in his shoes before him. Colonel Turner was sent down to a district greatly disturbed on the agrarian question. His sympathies were strongly with the present Government, and, indeed, Colonel Turner's sentiments are of the most convenient character. When Lord Aberdeen was in Dublin Colonel Turner was an enthusiastic Home Ruler. He even declared in the presence of a friend of mine that if he were an Irishman he would have been a Fenian. When the right hon. Gentleman opposite went over to Dublin Colonel Turner became an equally enthusiastic Unionist. That is a very convenient form of conviction for a man to have. When he went down to take charge of this disturbed district, surely common sense and decency would dictate to him an attitude of the strictest impartiality between landlord and tenant. What did he do? He went down into Clare and took up his abode with the chief and most unpopular agent, Mr. Stacpoole, as that gentleman's guest, dining at his table, driving round in his carriage or car, and he had actually the indecency to drive into Ennis upon official business more than once in the private carriage of Mr. Stacpoole, the most unpopular agent in County Clare. For months he resided as a member of the family with Mr. Stacpoole. I have not language strong enough to characterise the conduct of a Government that would tolerate such things. Colonel Turner became the servant, the lackey of Mr. Stacpoole, there was no work too dirty for Colonel Turner to do, until at last the police in Clare acted as the servants of Mr. Stacpoole, and members of the Force were employed to collect the tolls at a fair for Mr. Stacpoole. Magistrates and police became the servants of Mr. Stacpoole, and when a Magistrate was required to do the dirty work of Colonel Turner, and a local man could not be trusted, Mr. Cecil Roche was sent for from Tralee at the cost of additional travelling expenses. In spite of all these things, and this state of administration, these charges, which have been made before and never denied, the Government complain that the people of Clare and Kerry have no respect for the administration of the law. All I can say is that if the people of Clare and Kerry had any respect for the administration of law under such circumstances they would be the most contemptible creatures, and would deserve to be kicked and flogged like slaves. When Thomas Drummond instituted a class of Resident Magistrates, he had in view the protection of the poorer classes against possible tyranny and annoyance of the Local Magistrates of the landlord class; he never dreamed of the use to which they have been put. He forgot that the appearing of Resident Magistrates as protectors of the poor depends on the men who preside in Dublin Castle, and who may make these Magistrates an additional instrument for the oppression of the people. As a further instance of Colonel Turner's abuse of his position, I may mention the part he took towards preventing a settlement of the dispute on the Vandeleur Estate. He wrote a letter to the *Times* denouncing the landlord for not taking more stringent steps, and for not bringing emergency men down to his estate. In view of these facts it is perfectly outrageous on the part of the Government to endeavour by a shady trick to pass this Vote to pay such men, who are no more nor less than Executive Officers placed over the heads of the Magistrates in Ireland for the purpose of intimidating them into doing the dirty work of the Government. What would English Members say if the Commissioner of Police were to sit upon the Bench one day and command the police the next? That would give a faint idea of what we have to put up with in Ireland, though that is not exactly a parallel case, because there we have officers at the head of the Judicial Bench and of the police in Ireland who are in no way responsible, directly or indirectly, to the people of

Ireland. Now I turn to say a word or two upon the County Court Judges of Ireland. I regret to say the people of Ireland have not confidence in these officials.

THE CHAIRMAN: There is nothing, I think, in the Vote for County Court Judges.

MR. DILLON: Under those circumstances, I will proceed with a few words I have to say upon a case recently tried before a Resident Magistrate, which, in my judgment, illustrates in a forcible and valuable way some of the doctrines as well as the value of the facts of right hon. Gentlemen opposite in regard to boycotting cases. We have heard boycotting described by the right hon. Gentleman in strong language as being accompanied by intimidation and violence. Now I want to draw attention to a case of boycotting recently tried in Tipperary, in which the charge was made against two schoolboys named William Quin and Robert Lewis. The summons set forth the grounds on which the prosecution was instituted, and is a kind of a manifesto on the part of the officials founded on the statements of the right hon. Gentleman opposite—

"Whereas it is a matter of popular notoriety that a system exists in several parts of Ireland known as boycotting"—so runs this manifesto of Colonel Caddell—"which injuriously interferes with the free exercise of legal rights by Her Majesty's subjects, and that the said system is carried out by certain persons, who, by signs, or otherwise, warn those who wish to exercise their legal rights not to do so,"

and after other "whereases of great charge," finally, on June 19, these two respectable lads, under 16 years of age, are charged with the commission of that offence, to wit, endeavouring to prevent children from attending school. The evidence given by the police showed that the lads stood outside the school house, and in this case the overt act of intimidation and violence alleged was that one of the lads charged shook a rose at the girl supposed to be intimidated, and prevented her from attending school. Of course, the whole thing is perfectly ludicrous, and I do not wish to discuss it at great length, but I wish to emphasise the fact that in all these prosecutions before Magistrates in Ireland for boycotting there is no established proof of violence or intimidation. We hear of violence and intimidation from the Chief Secretary, but when we come to hard facts before the Magistrates, we hear nothing at all of these accompaniments. The right hon. Gentleman is, of course, quite entitled to denounce boycotting, but he is not entitled to connect boycotting with violence and intimidation when there is no violence and no intimidation. The Irish Government are armed with enormous powers. Why, if there is violence, are not such cases brought before the Magistrates? But, as a matter of fact, there are no cases of violence connected with boycotting. Over and over again we have had it in evidence that the offence of a man charged with boycotting was indicated by his pointing with a crutch he held in his hand at certain animals, or he said some words, or he winked, nodded, or coughed in the sight or hearing of the persons who were about to make purchases. There is no proof, I say, that boycotting is based on intimidation. One word in conclusion, and I do not know whether I shall be strictly in order, but I will only make a brief reference to the question of "shadowing," as exemplified in the case of David Kent. It has transpired in evidence that the constable who shadowed David Kent did prevent the sale of calves and lambs by Kent, by thrusting his head between the owner and possible purchaser, scaring away the latter. Kent, unable to do his business, unable to sell the stock he brought into the fair, turned round, and at a short distance away saw a police officer, who was walking about the fair, and began to follow him. The police officer turned round, and said, "If you continue to follow me I shall have you arrested." Kent continued to follow him, and was arrested. He was brought before a Magistrate, put in gaol for five or six hours, and then bailed out. When brought before the Magistrates for trial he was charged with obstructing the police in the execution of their duty. The Magistrates, I understand, held the charge to be proved, although there is some mistiness about the record of the decision; but Kent was dismissed on condition that he should not follow the policeman any more. Now, Sir, I want to know what is the legal ground of the charge against Kent, and I want also to know what right the Magistrate had to dismiss the man on condition that he

would not continue to follow the policeman? If it be maintained that the Magistrate was acting within his legal right in finding this man guilty, and in requiring such an undertaking from him, I want to know how it can be lawful for the police to obstruct a poor man in the discharge of his business? The Government has hitherto given no clear and definite statement of the law on this point in Ireland. We want to know whether, if it be lawful for a policeman to follow a civilian, and to obstruct and annoy him in the discharge of his business, it is also lawful for a civilian to follow a policeman and in the same way annoy him? Under what law may a policeman molest, annoy, irritate, and interfere with the private business of an individual against whom no charge is made, if a civilian is not entitled to do the same thing? We had it the other day from the right hon. Gentleman opposite that the Magistrates in each district are allowed, on their own responsibility, to select the individuals who are to be subjected to this horrible persecution. I say frankly that during the autumn we shall try to put a stop to this system. People who are shadowed will insist upon following the police, and if they are arrested for following the police, I am bound to say, it will come to this in the end, that on a suitable opportunity it will be the duty of one of our men to knock down a "shadow." Although I have over and over again used my influence in Ireland to preserve the police, and to prevent collisions between the police and the people, often under very unpleasant circumstances, I say I think our people are justified, when a favourable opportunity arrises, in trying the law on this matter, if the Attorney General refuses to state it clearly in this House. I think the proper way to try the law is for the man shadowed to take his opportunity when out of sight of the picket to knock down the "shadow," and assert his right not to be dogged, punished, and outraged by policemen when there is really no law to justify it.

*(6.26.) MR. H. H. FOWLER (Wolverhampton, E.): I think this the most important Vote in the whole of the Irish Estimates. We have been discussing for the past fortnight the administrative and the executive policy of the right hon. Gentleman the Chief Secretary. This Vote deals with the whole question of the administration of justice in Ireland. Of course, we are not going to touch the administration of justice by the Superior Courts. In Ireland, as in England, and I suppose everywhere else, the Courts of First Instance—the Courts of the Local Magistracy—are the Courts with which the people are familiar, and these are the Courts which represent to the people of Ireland that much repeated phrase of "law and order." They represent British justice, and I submit it is the duty of the House of Commons, in voting the money for these Courts, to satisfy itself that they are Courts which adequately administer justice, and which have the confidence of the people of Ireland. I believe someone has said it is necessary in a free country not only that justice should be impartially administered, but that the people should believe it is impartially administered. If that be true I think both sides of the House will admit, even without the confirmatory evidence of the two speeches made to-night, that the people of Ireland do not believe justice is impartially administered to them. I suppose there is hardly a gentleman sitting on the other side of the House who is not in the habit of taking part in the administration of justice in his own locality, and there are many also on this side of the House who administer the law. I am not going to say a word disrespectful to the general ability and legal knowledge of Stipendiary Magistrates in the great towns of England, and especially in the Metropolis, where, I think, they dispense justice in a highly satisfactory manner, but I believe it to be the just boast of Englishmen that justice is fairly and impartially administered by the overwhelming majority of the Justices of the Peace. In London, and wherever you think it necessary to provide paid Magistrates, you take the greatest possible care that they shall be fully qualified to discharge their duties. No one is appointed who has not studied the law and practised the law. It is a rule, almost without an exception, that the men selected as Stipendiary Magistrates are not only possessed of knowledge of affairs, but that they are also possessed of knowledge the law. The same rule prevails in Scotland, and in the colonies, and in India.

In India, which, perhaps, some people would say is the parallel of Ireland with regard to our rule, we are a conquering race governing a subject race. I believe, myself, the strongest hold we have on the people of India, the strongest tie which attaches India to British rule —is not our military, or our civil, or our financial administration, but the belief which pervades all classes in India that in the Courts of the Queen they receive, and will continue to receive, fair, equal, and impartial justice. And why is this? How do we provide for the administration of justice in India? We do not make the office of the administration of justice a refuge for the morally and intellectually destitute—we take care to provide suitable men. The examination imposed upon men who go out to India is the most severe competitive examination, and a man who passes it does that which is equal to taking a first-class degree at Oxford. Then we give him a special University training at the public expense for a certain number of years. When we send him to India we take care that he shall have judicial training and every Magistrate is compelled to state in writing, not only the decisions he gives, but the reasons on which these decisions are founded, and they are submitted to a Superior Court for revision, and alteration if need be. I am simply giving these details to the House to show the means we take to secure the just and fair administration of justice in India. Now, what do we do in Ireland? Is there any parallel between the administration of justice in Ireland and its administration in England, or Scotland, or the colonies, or India? I am not going to say a single word reflecting on the personal character of any Resident Magistrate—I am dealing with a system, and I do not hold the right hon. Gentleman (Mr. A. J. Balfour) responsible for that system. He found it when he came into Office, and it is one of the evil results of English rule in Ireland that the system exists. Although the right hon. Gentleman has defended it with unswerving fidelity to the men over whom he has been set, it would be a mistake for us in dealing with it to regard it as an accident of the present Administration. I have in my hand a Return respecting the Resident Magistrates in Ireland. It was moved for by the hon. Member for the Rushcliffe Division of Notts (Mr. J. E. Ellis) last year, and I find from it there were then 75 Magistrates in Ireland, who are receiving the grant provided for by this Vote. I call the attention of the House to the composition of this body. Only 14 of the Resident Magistrates have the slightest ostensible connection with the legal profession. In the 14 I include not only gentlemen who have been barristers-at-law, theoretical or practising, but one gentleman who kept all the terms for the Bar, but "for family reasons was not called." I have also included gentlemen who served in the Army after they had been at the Bar. I do not think it requires much knowledge to know what that means. At all events it is a very fair presumption that men who did that were not much fascinated by or attracted to the legal profession. Well, then, there are 24 ex-officers of the Army, 22 ex-officers of the Constabulary, and 15 gentlemen, who are variously described, some as "Hon. Secretary to the Tipperary Agricultural Society," "In the Revenue, Police and Superintendent Departments," "On the Commission of the Peace for several years," and so on. One gentleman is described as an Army tutor. Now, let me ask the House what these gentlemen have to do. Here we can bring the matter more closely home to the present Administration. It is under the present Chief Secretary's legislation that there has been thrown upon these gentlemen some of the most difficult legal duties which possibly can fall on any Court. You have deprived the people of Ireland of the protection of juries, which is given in other parts of the Kingdom, and you have devolved upon the Resident Magistrates the functions not only of Judges, but of juries. I will quote one sentence from one of the greatest authorities we have on criminal jurisprudence. He says—

> "Perhaps few things are left so doubtful in the Criminal Law as the point at which the combination of several persons in a common object becomes illegal."

Well, this delicate and difficult question of Criminal Law has been handed over to these 75 gentlemen, of whom only 14 are in any way competent to decide a legal question. What do these gentlemen cost? I know the Chief Secretary will say, "The House

of Commons does not vote enough money for me to get the article which India, and the colonies, and Scotland and England get." I have heard him say, "I cannot with the Vote that you supply provide myself with perfectly competent men." I am rather doubtful about that. The Vote is 20 Magistrates at £675, 32 at £550, and 20 at £425. In addition, each receives £100 as travelling allowance, and something more than £100 for their personal and travelling expenses. Judging of Irish salaries by English salaries, applying the test that an Irish Judge of the Supreme Court receives about two-thirds of the salary paid to an English Judge. I think if an Irish barrister receives two-thirds of the salary which is paid to an English Stipendiary Magistrate, the proportion is pretty well observed, and to-night we shall vote to the Irish Resident Magistrates considerably higher salaries than two-thirds of what is generally paid in England to Stipendiary Magistrates, excluding the Metropolis. In addition to these salaries a large number of these gentlemen are in receipt of Army pensions. I concede to the Chief Secretary that we ought to provide sufficient money. This House has never been niggardly in Irish administration. These Irish Estimates are monuments of extravagance. The cost of the Government of Ireland is a great deal too large. When the Chief Secretary obtains from this House, practically without discussion and objection, the most liberal allowances for the Constabulary and every branch of his administration, I am sure the House would not grudge him money to enable him to give the people of Ireland proper administration of justice. Whether we are Home Rulers or Unionists we must be agreed upon, this that the people of Ireland are entitled to a competent Judicial Bench, and until the Chief Secretary comes down to the House and asks for a sum which will enable him to appoint competent qualified men, and the House refuses him such a sum, he has no right to shield himself behind the supposed zeal for economy. Now, how do these gentlemen discharge their duties? The Chief Secretary may say they do their work satisfactorily. I have seen, again and again, in speeches of the Chief Secretary, statements that the appeals which have been made from the decisions of the Resident Magistrates are a very fair indication of the admirable manner in which their duty is discharged. We have been told that a very large number of cases have been heard by Resident Magistrates, and that there have been very few appeals. I have got the Judicial statistics for 1888. In that year there were 1,082 convictions under the Crimes Act. There were 201 appeals. You may say that that is a small proportion, and that there is a *primâ facie* presumption that the decisions have been satisfactory. But go a little further, and you find that by the astute manner in which the mode of appeal was dealt with 697 cases were not appealable against. The sentences were below the mark carrying the right of appeal. As a matter of fact, there were only 385 cases which could be appealed against, and in 201 of the 385 cases, appeals were made. In 70 cases, or in 33 per cent. of the cases appealed against, the appeals were successful. I believe that is quite as high, if not higher, than any similar effort in this country. A few days ago the hon. Member for the Rushcliffe Division (Mr. J. E. Ellis) obtained a Return up to the 31st of March, 1890. There have been 769 convictions; 204 could not be appealed against, leaving only 565 that could be appealed against. 233 were appealed against, and in 72 cases the appeals were successful—again 33 per cent. I think that is very fair evidence of the effect of the appeals. Let me bring under the notice of the Committee one or two cases. I am not one of the Members who have been to Ireland, but the reports I have read in the *Times*, for example, fully confirm my opinion as to the unsatisfactory nature of the system, and prove the incompetency of the men who have been put into these positions. But I also rely for a good deal of my Irish information upon what I think is one of the ablest provincial newspapers, the *Manchester Guardian*. With the permission of the Committee, I will read a few sentences from the account given by the special correspondent of the *Manchestvr Guardian* of what he saw in Ireland upon the trial of my hon. Friend the Member for North-East Cork (Mr. W. O'Brien). He said—

"People in England are often puzzled to know why the Irish want Home Rule. The

best answer to a man in such perplexity would be to take him to a town where a political trial is proceeding and bid him 'Mark, learn, and inwardly digest.' He would see much to astonish him. Passing by the hotel patronised by the landlord party, he would probably observe a group consisting of the Magistrates who were to try the case, the Magistrates who were to command the police and the troops, several police officers with swords and revolvers, several officers of the Army, the counsel and solicitors for the Crown, and, to protect the whole party, a plain clothes detective. That, at least, is the sight which I saw last night, and it is a sight I have often seen in Ireland."

"Turning out this morning after 10 o'clock I found great preparations for meeting the enemy—I beg pardon, I mean our Irish fellow-subjects.—The hussars had saddled their horses, made ready their carbines, and were waiting the signal to mount. The men of the Welsh Regiment were seeing to their accoutrements and trying whether the locks of their rifles worked well. Police—some armed with rifles, others with batons—were pouring in from country stations, and those encamped in the town were preparing their weapons. In all 110 police, 34 hussars, and 50 infantry soldiers were present to make it quite certain that respect for the law is completely restored in Ireland."

The correspondent then gave some details of the trial, and proceeded—

"The Magistrates who were to try a Member of Parliament on a highly complicated charge which would test the acumen of the most learned and skilful judge were Mr. Irwin, a promoted officer of the police, and Colonel Caddell, an ex-soldier. By no possibility could either of these gentlemen have had any legal training worth speaking of, and if an intricate question of law were to arise they were bound to go slap-dash at their conclusion. Now it turned out that the question they had to try was in a singular degree one which the most cultivated lawyer would have faced with hesitation. The charge in the summons was that Mr. O'Brien and Mr. Gilhooly had entered into a criminal conspiracy to induce certain persons not to fulfil their legal obligations. Amplified by Mr. Ryan, Q.C., the prosecuting counsel, the formal charge meant this—that Mr. O'Brien and Mr. Gilhooly had delivered speeches at Clonakilty, the object of which was to put pressure on Mr. Smith-Barry to desist from his Ponsonby estate operations by inducing his tenants to withhold their rents."

The hon. Member has already alluded to the evidence given in the case, and certainly there was perjury on the part of the police officer, who pretended to have taken shorthand notes. Writing later, the correspondent said—

"A wretched and miserable farce is just over. I suppose that no man with the slightest legal training—I will go further, and say no man with common sense—could have sat in Court this day and have come away without being convinced that wherever the interests of the landlords are concerned impartial justice cannot be expected from Irish Resident Magistrates."

I have given the Committee some details of the case in order to show how justice is administered in the eyes of an independent observer. I desire now to refer to the attitude of the Irish Magistracy towards Members of Parliament. The Chief Secretary says that if Members of Parliament break the law they should be prosecuted the same as other people, and there I agree with him. But the point in which I differ from him is that Members of Parliament should not be punished because they are Members of Parliament, and that is the crux of the Irish situation. I put it to Gentlemen opposite who have judicial instincts whether after the strong, powerful, and excited speech of the hon. Member for East Mayo (Mr. Dillon) to-night, in which speech he mentioned by name certain of the Resident Magistrates of Ireland, it would be decent in case of any alleged infraction of the law by him—I will not put it stronger—that he should be tried by the men he has denounced to night? Is it human to expect justice under such circumstances? Would it be considered fair to the hon. and gallant Member for North Armagh (Colonel Saunderson), for instance, that he should be tried for anything he may have said or done, by a Court composed of Gentlemen below the Opposition Gangway? The Irish Resident Magistrates assume that they are part of the great army in the controversy which is now going on, that they are fighting under a distinguished and able general, and that their policy and aim is not the administration of justice, but the winning of a political victory against their political opponents. Let us take the case of the prosecution of the Rev. Mr. Crawley, a Roman Catholic curate, on the charge of having intimidated a Protestant rector. I think a little common sense would suggest to any impartial spectator that where a Catholic clergyman is accused of intimidating a Protestant clergyman, or where a Protestant clergyman is charged with intimidating a Catholic clergyman, or any other clergyman, a good deal of caution should be exercised in dealing with the case, a case which evidently, in the first instance, is not entirely disconnected with sectarian rivalry. But I am not

going into the case. I understand it was a case of strong language; and, as a friend said to me the other day, any English Magistrate would have dismissed it. Captain Welsh and Mr. Cecil Roche were the two Judges in the case. Captain Welsh said the defendant was represented as being in a position to sway the people of the district. As the language he addressed to the people carried great weight the Magistrates had no difficulty in arriving at the conclusion that the Rev. Mr. Hopley and Sergeant Burke were intimidated, and they sentenced the defendant to a month's imprisonment in each of the cases. Would any English Magistrate have sentenced the defendant toa month's imprisonment? Captain Walsh added that, to prevent the recurrence of the use of such language in the future, they would bind the defendant over in one surety of £40, and two of £20 each, to be of good behaviour, after the expiration of his sentence, for 12 months. In default of finding those sureties he was to go to gaol for six months. I call that a travesty—a prostitution of justice. But that evidently did not come up to the requirements of Mr. Cecil Roche, who said—

"The defendant was a very remarkable man. Of considerable power of mind, of splendid physique, he had acted kindly towards his parishioners, who were an ignorant, wild set of people, half mountaineers, half seafaring men. Rightly and properly, he had great influence over them. The part Father Crawley had taken between landlord and tenant was praiseworthy and creditable, but his intense egotism had led him astray."

Fancy Members of Parliament being convicted for intense egotism! Mr. Cecil Roche evidently regards himself as dictator. Such words would never be used in English or Scotch Courts. If any Magistrate acted like Mr. Cecil Roche, the Lord Chancellor would immediately have him removed. The Resident Magistrates have no knowledge of law, and do not appreciate the elementary principles of justice. They are in the thick of a great political fight, and are conscientiously convinced that the policy of the right hon. Gentleman opposite is the best policy for Ireland, and that advocated on these Benches the worst; but they are not qualified men to steer an even keel in a country where agrarian disputes are the main source of all criminal trouble. These Magistrates connected with, influenced by, belonging to, one class, are not competent to deal out even-handed justice, and the result of their action proves it. What you have said *à priori* would happen, has happened, in almost every case brought before us. The other night the Chief Secretary made a startling admission. I admire him for having the courage of his convictions. He never shrinks from a paradox, however it may turn against him, or stays to fence with qualifications of the case he makes in his defence.

"It may, he said, be the result of three centuries of mis-government. I form no opinion on that, but the condition of Ireland is such that practically three-fourths of the people cannot be trusted to keep their oaths as jurymen on a trial, and, therefore, a system of procedure unknown in this country had been pursued by successive Governments in Ireland."

Is he going to say the same thing to-night; is he going to say it is impossible to trust the people of Ireland, and hence it is necessary to adopt the system of administration of justice? Is it a necessity in Ireland that we should autocratically and despotically administer justice, shutting the people out from their share in the administration, relying on administration by Magistrates alone? Then I appeal to the right hon. Gentleman to have competent Magistrates, men like those whom we send to India and to the colonies, and those whom we have in England and in Scotland, men apart from all political prejudice, so that they will show to the people of Ireland that, no matter whether they have Home Rule or rule at Westminster, wherever the Queen's power extends justice will be fairly and impartially administered. The right hon. Gentleman the Chief Secretary has said that he is striving for principles which lie at the root of civilisation. There is a greater principle than he contends for which lies at the root of all civilisation and society, and that is the pure and impartial administration of justice. In that consists the condemnation of the present system, which we so much deplore, and are trying to put an end to. Whether we succeed or fail—I do not wish to mix this question up with Party politics—I make one more appeal to him, not to defend the present system, but to

ask the House of Commons to help him to remedy what is a national danger and a national disgrace.

(7.5.) THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): Every one who has heard the speech just delivered by the right hon. Gentleman will agree that it is not an unwelcome interruption to the ordinary course of invective in this Debate against Her Majesty's Government. The right hon. Gentleman has tried, and successfully tried, to keep the question of politics out of sight, and has asked me to do the same. The right hon. Gentleman has made no personal attack on the Government, who can defend themselves, or upon individual Magistrates, who cannot defend themselves, and, for my own part, I will endeavour in the observations I have to make to follow the example which the right hon. Gentleman has set. The right hon. Gentleman began by saying that politics ought not to be allowed to enter into any question connected with the administration of the law in Ireland. In one sense of that recommendation every human being who heard, and every human being who may read those words will, I am sure, cordially agree. That the course of justice should be diverted, if only by a hair's breadth, to serve the interests of any political Party, would be a horrible and disgraceful thing; but if the right hon. Gentleman means, by what he has said, that the administration of the Criminal Law in Ireland, in the state of opinion of the Irish people as they were now led in certain parts of Ireland, is to be kept wholly independent of political objects which the commission of crime is intended to attain, that, I think, is not at present possible. The right hon. Gentleman has argued throughout upon the hypothesis that the political objects of a great Party in Ireland are wholly independent of the Criminal Law and its administration. He has argued as if it had never occurred to anybody in Ireland to commit a breach of the Common Law or the Statute Law, in order to gain a political object. I do not wish to introduce more controversial subjects than I am obliged; but the right hon. Gentleman knows that, whether rightly or wrongly, the Government do not follow that opinion, but are forced to the melancholy conclusion that political objects in Ireland for the last 10 years have been aimed at by criminal methods. As long as that unhappy state of things continues, so long as political objects are arrived at by criminal methods, so long will trials which ought to be purely criminal trials, and abstracted entirely on the part of the audience as well as the Judge from all political considerations, be attended with those unfortunate symptoms which the right hon. Gentleman has described, of an excited mob and disgraceful scenes in the streets, which have, unfortunately, so often accompanied the administration of justice in Ireland. The right hon. Gentleman asks me how it is possible and legitimate to try, for example, the hon. Member for East Mayo before one of the Magistrates he has so cruelly aspersed in his speech. I admit that the fact that the administration of Criminal Law is—through no fault of ours—mixed up with politics, is a great misfortune and a difficulty. But because the hon. Member for East Mayo chooses to make this sort of attack on the Magistrates, is he to be allowed to break the law in Ireland with impunity? I take a purely hypothetical case never likely to occur. I trust the hon. Member will never come into collision with the administration of the Criminal Law; but supposing that the hon. Member, in carrying out his political object, does resort to methods regarded as criminal by the law of the country, is he not to be tried because he has thought fit, in the exercise of his duty, to make a violent and, I am bound to add, a discreditable attack upon certain Magistrates?

MR. H. H. FOWLER: I did not say that he was not to be tried, but that he should be tried by an impartial tribunal.

MR. A. J. BALFOUR: That is to say, it only rests with the hon. Member to attack every tribunal—and to do him justice, I think he has attacked every tribunal in turn. Attempts were made in these Debates yesterday to attack the High Court, and this evening to attack the County Court Judges, attacks which were only prevented by the ruling of the Chairman, and, therefore, the right hon. Gentleman will see that if his principle is to be carried out, an hon. Member will only have to add to a breach of the law a violent attack in this House on the tribunal which would

have to adjudicate, and he will secure immunity for himself. I have only taken the case of the hon. Member for East Mayo, because it has been cited by the right hon. Gentleman. I do not assume that the hon. Member contemplates any breach of the Criminal Law. The right hon. Gentleman asks us to apply to this system in Ireland the test of experience. I agree with the right hon. Gentleman that that is the proper test to apply. If experience shows that the present system in Ireland works tolerably well, I presume that the case will fail that we ought, by spending a great deal more money, to get a class of men who will not serve at the present salaries. In order to see whether, in a normal condition of society, the existing system of Magistrates works well, we have only to look at that part of Ireland which is in a normal state, and I maintain that in Ulster, or, at all events, in those parts of Ulster which are not disturbed (I am aware that there is a certain amount of disturbance in Donegal), the system works admirably. It is only when, in the exercise of their duty, through no fault of their own, politics are connected with these breaches of the Criminal Law, that it is alleged that the Magistrates fail. The right hon. Gentleman says that they have to deal with a very difficult law, and that they have no legal training. For my own part, I am not prepared to admit that in England experience shows that men of the same class as the Resident Magistrates, military men and others, are incapable of dealing with such matters. How many Chairmen of Quarter Sessions are old officers? The right hon. Gentleman assumes that experience in the Army for a good many years renders a man incapable of performing such duties. For my own part, I maintain that some of the best Chairmen of Quarter Sessions have had precisely the same kind of legal training as these Resident Magistrates. The right hon. Gentleman says the law which these Resident Magistrates have to administer is very difficult, especially the law of conspiracy, but Chairmen of Quarter Sessions have also to administer the law of conspiracy. ["No, no!"] Of that I do not speak with confidence, but I refer to the argument of the right hon. Gentleman that the administration is difficult. We have heard a great deal of the right of appeal, and the right hon. Gentleman has reminded the Committee that there is no right of appeal from a conviction where the sentence is below a month. But on a point of law, whatever the sentence may be, there is an appeal to a Court which the right hon. Gentleman will admit is competent—namely, the Court of Exchequer or the Queen's Bench—by case stated. I have no doubt that appeals on points of law have been taken exactly in those cases where, in the opinion of the defendants' counsel, the Resident Magistrates had shown themselves weakest in law. Since the passing of the Crimes Act to July 1, 1890, there have been 25 appeals to the Court of Exchequer or the Queen's Bench by cases stated. Of these 25 cases, obviously those in which the Resident Magistrates were considered weakest, only three were reversed, and the remaining 22 were affirmed. Therefore, I say that, looking to past experience of the law administered by these gentlemen, it is not at all so weak as the right hon. Gentleman would lead the Committee to believe. The right hon. Gentleman has examined the cases in which there have been appeals on the facts, but I was not quite able to follow the right hon. Gentleman's figures. According to a Return furnished I find that from November, 1888, to June, 1890, 1,393 cases were tried. The number of appeals lodged in that period was 256, and of these only 18 were reversed on appeal. That is a proof that, on the facts, as well as on the law, experience demonstrates that these tribunals are competent, fair, and honest tribunals.

MR. H. H. FOWLER: The right hon. Gentleman has left out the cases of reductions of sentences.

MR. A. J. BALFOUR: There were, no doubt, some 60 cases in which there were reductions of sentence. But with respect to those it must be remembered that two Courts of co-ordinate jurisdiction often pass different sentences on cases apparently similar. But such differences of opinion by no means demonstrate that the Court of first instance did not do its duty. As my right hon. and learned Friend (the Attorney General for Ireland) reminds me, on appeal the cases were re-heard, and therefore evidence not

before the Court below might be, and probably was in most instances, called in the Court above, and, further, that in several cases the sentences have been increased for the very purpose of giving a right of appeal. Therefore the mere fact that a sentence was reduced on appeal by no means demonstrates that the Court of first instance did not do its duty. I pass from that general criticism on Courts of first instance in Ireland to certain specific allegations made by the hon. Members for East Mayo and North-East Cork. The hon. Member for East Mayo accuses the Government of having broken their pledges in not having regularised the position of the Divisional Commissioners by Act of Parliament. Is there any human being who, in the present state of public business, would do anything by Act of Parliament which could be done in any other way? Would it be common sense to come for an Act when we found that it was unnecessary for us to do so? The hon. Gentleman said such a Bill would have been met with the same kind of resistance as the Bill for the appointment of an Assistant Under Secretary to the Lord Lieutenant was met with. If that is so, the Government were justified in taking the obviously rational course of avoiding the difficulty by not coming to Parliament at all. The hon. Gentleman then proceeded to make a most violent attack, and exhausted even his budget of invective upon Colonel Turner. But when it all comes to be analysed it amounts to this. Colonel Turner lived with Mr. Stacpoole, who was a landlord in Clare. On account of that unforgiveable offence he has been described as a man who acted as Mr. Stacpoole's lackey, who is unworthy of the confidence of the Government, who ought to be dismissed on the earliest possible occasion, and who is a proper target for the ordinary arrows of Nationalist invective. Why should not Colonel Turner stay in Mr. Stacpoole's house? Is every man who stays in a country house the lackey of his host? Is every man who stays in a country house incapable of doing justice? Is it an iniquity to use the carriage of your host to go to a neighbouring town? Incredible as it may seem to hon. Members who were not in the House when the hon. Member made his speech, that is one of the chief counts in the indictment against Colonel Turner. He drove from Mr. Stacpoole's residence into Ennis in Mr. Stacpoole's carriage! Monstrous enormity! Horrible iniquity! Ireland indeed requires Home Rule when such things as these are done in that unhappy country.

MR. DILLON: Do we understand the right hon. Gentleman to say that he approves of the action of Colonel Turner in becoming an inmate of the house of a land agent in County Clare, in the then condition of the county?

MR. A. J. BALFOUR: Colonel Turner has never asked me whether I approved or not, and I think it would be grossly impertinent if I interfered in such a matter by expressing any opinion at all. The hon. Gentleman appeared to be driven to rely on his attack on the Irish Magistracy, on some old and some very hypothetical incidents. He gave a long account of what happened seven or eight years ago in County Mayo in connection with a Resident Magistrate, since dead. That might have been a good thing to bring up on the Estimates seven or eight years ago, but it is not a good thing to bring before the Committee now, because it can afford them no guide as to the course they ought to pursue with regard to the present Estimates. The hon. Gentleman then related what occurred to him at Tipperary. He said he was talking to some friends when Colonel Caddell ordered the police to draw their batons and charge. The hon. Gentleman said the police did not obey their orders, and so nothing happened. But supposing, the hon. Gentleman said, something had happened, then Colonel Caddell would have had to try the case of an injury inflicted in obedience to his own orders. I think the hon. Gentleman in stating this hypothetical case has fallen into several serious errors. Colonel Caddell did not order a charge; the police did not disobey his orders, and if batons were not drawn on that occasion it was because the police followed strictly the orders given by Colonel Caddell.

MR. DILLON: I heard the order to draw batons given myself.

MR. A. J. BALFOUR: I believe I have stated the facts as I have been told them by Colonel Caddell; but, at any rate, Colonel Caddell gave no direction which would have justified the police in

batoning the hon. Gentleman or his friends. Then the hon. Member said, supposing he had been brought before Colonel Caddell as the result of what might have happened? The hon. Gentleman and his friends have said over and over again that the utmost care ought to be taken not to mix up executive and judicial functions. With that I agree, and every effort is made by the Irish Government not to allow the man who has executive functions to perform to adjudicate on the cases arising out of that executive action. It is in order to pursue that rule that it is necessary to make Resident Magistrates leave one district and go into another.

MR. W. O'BRIEN: How does the right hon. Gentleman explain the case of Nunan and Hogan, in which Colonel Caddell combined the two functions?

MR. A. J. BALFOUR: The two women referred to by the hon. Member were bound over by Colonel Caddell to keep the peace on a day subsequent to the disorder in which they were concerned. Colonel Caddell could have performed that operation on the spot. He preferred to do it next day, and he did it next day. The facts of that case, therefore, do not bear out the contention of the hon. Member. No Resident Magistrate has ever ordered a baton charge and then directed a prosecution of those charged.

MR. E. HARRINGTON (Kerry, W.): Yes; Mr. Roche did on three occasions.

MR. A. J. BALFOUR: The hon. Member is mistaken.

MR. E. HARRINGTON: No, I am not mistaken. It occurred in my own constituency. I know Mr. Roche quite as well as you.

MR. A. J. BALFOUR: The other chief case brought against Colonel Caddell was in connection with the funeral of a man named O'Dwyer. The hon. Member accused the police of violating the graveside, of desecrating the feelings of the relatives of the dead, and of behaving in a way in which no one in a civilised country ought to behave. I will remind the Committee of the facts connected with that funeral. If it had been an ordinary funeral, merely an occasion on which the relatives committed to the earth the body of one who had been dearly connected with them, and chose that occasion for the display of natural emotion, interference by the police would have been monstrous. But was this so? Does the hon. Member claim immunity for a funeral when it is made the occasion of a political demonstration? I think that the hon. Member will feel it to be absurd to put forward any such claim. It had been published abroad that the hon. Member himself was going to the funeral, and that other political friends would be present. There were 12 policemen told off to protect the reporter on that occasion. There were nine reporters not connected with the police present. On this sacred and solemn occasion, therefore, there were nine reporters, I presume, of the Nationalist Press who had come to the grave not to make public the family grief, but in order to take down the speech which the hon. Member might deliver and publish his words all over Ireland with a political object. I am far from saying that the action of the police on that occasion was necessary, but to describe it as a desecration of the grave is surely absurd. There was no attempt to interfere with anyone present.

MR. W. O'BRIEN: Yes. They shouldered the people out of the way.

MR. A. J. BALFOUR: The police were there because they believed, on good evidence, that this was a political demonstration, and whether they were right or wrong, whether they were necessary or unnecessary, I maintain that the attacks which have been made are utterly outrageous and beyond the merits of the case. There have been cases in which graves have been desecrated and funeral processions interfered with. The other day when a policeman was burying his child in Tipperary the unfortunate mother and father, standing by the grave-side, were assaulted by stones.

MR. J. O'CONNOR (Tipperary, S.): That is false.

MR. A. J. BALFOUR: As they were standing by the grave they were assaulted with stones thrown by the roughs of Tipperary. I call such conduct as that interfering with the last rites of the dead, and in a manner which is disgraceful and discreditable. Some moderation, however, might be shown by hon. Gentlemen in the language which they use. The hon. Member for East Mayo not only denounced in the most violent language the character of the Magistrates

with whom he has been brought into conflict, but he announced his intention of raking up details of their private life, and of dragging out anything which he thought could be twisted into an accusation against them. I have never listened with greater pain to any speech delivered than to this one. I think it most discreditable to the hon. Member who made it. As for Colonel Caddell, who has been made the object of a vituperative attack by the hon. Member for East Mayo and the hon. Member for the Rushcliffe Division, who has used language which he would never dare to use outside the House, this Magistrate has nothing to fear from attacks of that kind. If the hon. Member wishes to rake up details about Colonel Caddell's private life I will give the hon. Member some assistance in the task he is undertaking. Colonel Caddell was 23½ years in the Royal Irish Fusiliers; he was an instructor of musketry for three and a half years, an Adjutant in Louth, Deputy Assistant Adjutant General in Belfast during the critical time of the riots; he served in the Soudan campaign of 1884, for which he received a medal and the Khedivial decoration. Colonel Caddell has served and is serving his country, and such attacks as have been made upon him this evening will do nothing to sully the reputation of a man like him. I do not ask hon. Members to moderate the attacks which they make on the Government or the officials in Ireland. Let them make what attacks they please, but surely the private life of those individuals might be sacred. Surely those who from the vantage ground of this House may say anything they please without being called to account for it, might feel that that privilege carries with it some duties; and it is discreditable not only to themselves, but to the cause they desire to serve, that they should seek to use the language of private calumny and private slander.

MR. DILLON: As a matter of personal explanation, I should like to say that nothing was further from my mind than that I should employ the vantage ground of this House to make an attack upon any one and which I should be afraid to repeat outside. When I attacked Captain Segrave I did so outside this House, and I shall do the same in the case of Colonel Caddell.

Mr. A. J. Balfour

*(7.40.) MR. BRADLAUGH (Northampton): The speech just delivered by the Chief Secretary of Ireland renders it very difficult for me to make the speech which I had intended to make on this occasion. I am bound to say that with a long experience in England I cannot conceive the possibility of police acting at funerals in the way which has been described to-night by the Chief Secretary himself without causing much exasperation and irritation by their presence, and I would suggest that it would be better far that one or two rash speeches should escape notice rather than that the people assembling to pay the last farewell to the remains of their friends should be insulted by the presence of the uniformed officers of the Crown. It was not, however, for that that I rose, but to deal with a case which was discussed two days ago, and which has not yet received any notice at the hands of the Chief Secretary or of the law officers of the Crown. It is the case of Mr. John Kelly, who was charged with conspiracy, and sent to gaol by Mr. Meldon and Colonel Waring for four months with hard labour. The speech of the right hon. Gentleman the Member for Wolverhampton dealt with the difficulty of the law of conspiracy in a way which saves me the necessity of delivering some remarks I had intended to make. Lord Justice Jervis, one of the most eminent lawyers who ever sat in the Court of Common Pleas in this country, once said that the charge of conspiracy was one of the easiest to make and one of the most difficult to prove. If he had had the experience which we have had of the procedure before these Resident Magistrates, I think he would have come to the conclusion that it is quite as easy to prove as it is to make, especially if he had had any knowledge of the case which I am now discussing. There was not, so far as I am able to learn, a shadow of evidence upon which any reasonable jury would have convicted this gentleman of the charge of conspiracy. A charge of intimidation was preferred against him, but on that he was acquitted by the Resident Magistrates themselves. The general charge of conspiracy was proved by two speeches, one of which was made by Mr. O'Dwyer, who was in Mr. Kelly's company on the occasion of the proceedings which immediately led

to his arrest. The speech itself was, however, made in Mr. Kelly's absence, and it was not suggested that Mr. Kelly could possibly have known anything about it until long after it was delivered. The second speech was one delivered by the hon. Member for North-East Cork, and Mr. Kelly certainly could not have known anything of that, because he was in gaol at the time of its delivery. Now, these were the only two speeches on which this charge of conspiracy was founded. It is, I think, necessary that a tribunal which deals with charges of conspiracy should be, from a common-sense point of view, a jury of twelve impartial men, and, from a legal point of view, a high judicial functionary beyond suspicion in dealing with such a case. But what have we here in this case? I say, without fear of contradiction, there was no attempt on the part of the Chief Secretary, who was present during part of the Debate the other night, or on the part of the Attorney General for Ireland, who was in the House the whole time, to answer the case made out by the hon. Member for one of the divisions of Dublin against Mr. Kelly's conviction. The case against Mr. Kelly did not involve one single overt act except those I am just about to put to the Committee. All that was shown against him was that, in company with Mr. O'Dwyer, he had gone on to the estate of the hon. Member for South Hunts, and that he had driven on an outside car to the houses of different tenants. There was not a particle of evidence of anything that happened at any one of those places. Of course, if you intend to assume that a man is guilty, and if you intend to convict him, I can quite understand that you may manufacture out of several harmless acts some conclusion in support of a conviction. But there was not a particle of evidence against Mr. Kelly. He went, no doubt, into several of the tenants' houses. It was not alleged that any language was used by him in any of the cases save one. In that one case he appears to have talked with the wife of one of the tenants just outside the house, and the right hon. Gentleman the Chief Secretary, who has carried espionage in Ireland to an extent utterly unknown in the history of that unfortunate country, was served to this extent by a constable who was hiding behind a hedge, and who stated he heard the woman say: "This is the real campaign ground about here;" that Mr. Michael O'Dwyer, who was in company with Mr. Kelly said, "Yes, that is the woman to fight;" while Mr. Kelly rejoined, "I find that women are a great deal more determined for us than are the men." Now, the only possible portion of the phrase on which there could be a shadow of defence for saying that any sane man could come to the conclusion that a conspiracy existed was contained in the words "for us." What did "for us" mean? What ought it to have meant? What ought the Magistrates to have imported into the meaning? What would a jury have imported into it? Would they have imported the language of the hon. Member for North-East Cork delivered at a time when Mr. Kelly was in gaol? Would they have imported into it the speech of Mr. O'Dwyer delivered some time previously, also in Mr. Kelly's absence? I say it would have been impossible to get an English jury or an English Magistrate to convict under circumstances of that kind. But the Resident Magistrates, having found a general conspiracy in the speech of the hon. Member for North-East Cork, which, I believe is the very speech to which he drew attention in the earlier part of this evening, and having found also a conspiracy in the speech of Mr. O'Dwyer, they import Mr. Kelly into that conspiracy, because he happens to have used the words "for us" in a careless way to a woman who was using language quite natural on the part of a woman in that position. Rightly or wrongly, no doubt there is a conflict in that district between landlord and tenant, and it is a conflict of a most bitter kind. It is not a conflict brought about by the hon. Member for North-East Cork, or by any other hon. Member. It is a conflict which began unfortunately before they were born, and it arose out of a bad state of things which has long prevailed in Ireland. I mentioned on one occasion on which I addressed this House how much I had been struck by some articles in *Blackwood* for 1844, 1845, and 1846, dealing with the state of things between landlord and tenant in Ireland at that time. You might reprint those articles as descriptive of what is happening in that country to-day. The only difference

is that now you have less crime, fewer murders, less moonlighting and outrage, and that is due to the hope put into the minds of the tenantry by the hon. Members for East Mayo and North-East Cork and their colleagues—a hope which induces them to act within the law, because they believe that sooner or later some kind of justice will be achieved for them. Mr. Kelly was found guilty of conspiracy by two Resident Magistrates. In England, over and over again, Judges, when trying cases of conspiracy in which questions of politics might be imported, have warned juries to use the utmost care in weighing the evidence submitted to them. I understand the right hon. Gentleman to urge that he has a right, in cases in which criminal acts are committed for political objects, to resort to special methods for the purpose of dealing with them. I cannot help thinking that he has done much to lower the view which English people will take of Irish justice. I feel sure that the course which is being pursued, and which was pursued in the case of the hon. Member for East Mayo himself when he was brought within the grasp of the Resident Magistrates by the direct act of the Chief Secretary in proclaiming a district so as to bring it within the operation of the Crimes Act, is a course which in England induces English voters—and I believe will still more do so at future elections—to give a rough rule-of-thumb verdict of justice. It will induce them to say that as your Resident Magistrates treat men whom you describe as criminals, as political foes, they are straining the law in sending them to gaol, and as a consequence the English people will, by their verdict, take the political power which you misuse out of your hands.

(7.52.) MR. E. HARRINGTON: Before the Chief Secretary leaves his place, I beg to give a most emphatic denial to his statement that Magistrates do not act judicially and executively at the same time. Unless the Chief Secretary has a shorter memory than we give him credit for, it must have been within his knowledge that cases have been brought to his notice in this House. Does the right hon. Gentleman forget the Vandeleur evictions? Did not Roche at these evictions take part in a baton charge, actually using a stick himself, and did he not afterwards sit on the fence and have the very persons he had batoned brought before him and sentenced to imprisonment? If there is any shame in the world the Chief Secretary, addressing the House amid grave and awful accompaniments, might have paused before he delivered himself of these sentiments. I will give my own case, which was brought to the notice of the Chief Secretary, not only by myself, but by my hon. Friend while I was in prison. Roche, who presided in the case, went out to the steps of the Courthouse of Tralee and ordered a baton charge on the people who had ventured to cheer for me when I came out under arrest. Roche led the charge himself with a stick in his hand, and he never allowed me to go out of his sight until he had lodged me in gaol. The right hon. Gentleman will probably say that that is the reverse of the process that has already been referred to—that the Magistrate sat on the Bench first, and lugged his prisoner to gaol afterwards, but I have also brought to the Chief Secretary's notice the case in Dingle of the unfortunate man Ferriter, who was put in gaol time after time for the crime, as it was then, of selling copies of *United Ireland*. The right hon. Gentleman has said there has been no change in his policy—that there has been no change in the administration of the Crimes Act. Why, then, is Ferriter not in gaol to-day? He is still selling *United Ireland*. This man was brought before Mr. Roche and sentenced, and here also that Magistrate made a baton charge on the crowd, heading the police himself. Several men were arrested, and these men Roche at once proceeded to try. They were committed to prison, and Roche accompanied them and the man he originally tried, to Tralee, a distance of 34 miles. Can the right hon. Gentleman deny this fact? The right hon. Gentleman said I was mistaken. I was not. There are things which have caused our blood to boil and our flesh to creep. I, myself, have seen Resident Magistrates ruthlessly and mercilessly leading these baton charges, and afterwards sitting in judgment on the cases of the very men they had attacked time after time. Instances of this kind have come before me, and I can, if the Chief Secretary challenges

the fact, identify these cases by the dates and the particular sentences inflicted. It is a hard thing for an Irishman to trust himself to speak on these subjects. Our feeling is not so much one of hatred as it is of extreme loathing and contempt, and it is very hard for us, knowing how the Government are championed by the political supporters who sit behind the Front Bench, to keep our temper when these statements are made. I tell the right hon. Gentleman, born as I was among the Irish people, that I know them to have a strong sense of propriety in these matters, and that nothing more easily arouses their indignation than when they see those who have to administer the law, and are supposed to administer it equally, making common cause with those who side against them. The Irish people would spurn us if we showed the same partiality as the right hon. Gentleman wants the Resident Magistrates to show, and we claim that these men who are drawn from the off-shoots of landlordism should at least preserve the appearance of decency in the exercise of their functions.

*(8.15.) MR. BRUNNER (Cheshire, Northwich): I am almost ashamed to mention the trivial matters which I am about to bring before the Committee after listening to the expressions of honest indignation which have fallen from the hon. Gentleman who has just addressed the House. I can myself bear testimony to what the hon. Gentleman has said with regard to the partiality displayed by the Irish Magistrates, and I will give an instance. In April last I was on the Ponsonby Estate, during the evictions managed by Colonel Turner. I saw on a police car the agent for the Property Defence Association, and I am sorry the hon. Member for South Hunts is not in his place, as I should like him to hear what I have to say. It struck me with shame that the representative of one of the parties to the dispute on the estate should be honoured and protected by the authorities in that way; and I protested against it to Colonel Turner, saying it was a scandal that that person should be allowed so to use the public property. I am glad to say that Colonel Turner had sufficient sense of right to prevent a repetition of this display on the following day, and I am also glad to tell the Committee, because I sympathise with the people, that not a man was to be found in the Youghal district who would drive that individual. I remember on that occasion seeing the leader of the tenants rudely thrust back when he wished to enter premises from which a family was being evicted. It was his duty to take the number of the family so as to arrange for the accommodation they might require in order to protect them from the weather. He was, however, thrust back by the police, and that, too, from a place where he had a legal right to be. A lady who was with us, and whose warm-hearted services to the people are deserving of all praise—Mrs. Byles, of Bradford—protested against the treatment of that young man. What happened? The Police Inspector, Inspector Hill, whose name is now familiar to us, declared that that person ought not to be permitted to enter the premises because he had been in prison. An appeal was made to Colonel Turner, and he replied that if the English ladies and gentlemen wished it the man should be admitted. Well, Sir, as an Englishman, I am ashamed to be represented in Ireland by men who can behave in that fashion. I know, from my experience in this House, that it is a waste of time for an English Member, not to speak of Irish Members, to complain of the conduct of the Irish Magistrates. No heed whatever is paid to us when we declare that the Irish Magistrates have broken the law. We are either not listened to or we are listened to with indifference when we complain of the brutality of these men. To my mind, it is a pity and a shame that English gentlemen should stoop so low as to make it appear, either by their speeches or their silence, that they believe their Colleagues in this House are capable of bearing false witness.

(8.7.) MR. J. O'CONNOR: If I were a friend of the Chief Secretary, I should have compassion on him, because he is called upon to defend the actions and whitewash the blackened characters of his subordinates in Ireland. I should feel sorry that his great abilities were called in play to defend and whitewash a man like Colonel Caddell, whose conduct towards

a lady, under most disgraceful circumstances, must be characterised as that of a blackguard. A man who, when remonstrated with by a reverend clergyman in the streets of Tipperary, had no other answer to give to that educated gentleman than to stick his tongue out and make use of insulting language. I say that the action of the Chief Secretary, in whitewashing that blackguard, places him in a position for which his friends ought to feel the greatest compassion. In his defence of Colonel Caddell, he deemed it his duty to make a charge against the people of Tipperary, that they committed an assault upon the police on the occasion of a funeral of a child. I could not hesitate on the spur of the moment in crying out that that was false, and I now say that the statement was one of those official falsehoods which we are accustomed to listen to in this House. When I was last in Tipperary, not long ago, I made it my business to inquire into this matter, and, after continued investigation, I could find no man in Tipperary who ever heard a word about this assault on the police. I went to the spot where the assault was said to have taken place, and none of the neighbours knew or could tell me anything about it. I asked Father Humphreys to investigate the matter, and he willingly undertook the work, and I will now read to the Committee a letter which he wrote to me after he had made that investigation. He says:—

"My dear Mr. O'Connor, since telegraphing to you, I have heard of what happened at the burial of Constable Corcolan's child. No one but the police attended the funeral. When they were passing through the street, some little children of eight or nine years old cried out after them 'Balfour, Balfour' and whistled 'Harvey Duff.' This was the mob who stoned the constables whilst burying a child. The very small children here have a habit of crying out 'Balfour' when they see a body of police passing through the town. I saw a child five years old doing this on a day of eviction. If there was a mob throwing stones, how was it that no one was summoned?"

This, Sir, is a pertinent question. The police were present in sufficient force at the funeral of the child; doubtless there were policemen at every corner in Tipperary. Yet no one was arrested. Not a single charge was made against anyone, and no complaint was made until we heard a statement in this House in reply to a put up question on the part of the hon. Member for Tyrone. I deny that this shameful charge has any foundation in fact, or that any justification can be found for making it, and I demand an investigation into all the circumstances connected with it. If that investigation should take place I venture to assert that the people of Tipperary will come out of it with much greater credit than the officials of the right hon. Gentleman. The right hon. Gentleman has defended Colonel Caddell, and told us that he does not unite in himself the administrative and executive functions. Let me draw the right hon. Gentleman's attention to the sad and distressful case of the poor boy Heffernan, who was shot down in the streets of Tipperary by policemen who were under the command and direction of Colonel Caddell. In the course of the investigation which took place into that affair, it was proved that the police were not compelled to act as they did, and that an order had been issued that the greatest humanity, combined with prudence, should be exercised before any attempt was made to fire on the people, and that they should not fire until every other means of preserving their lives had been exhausted. It was proved in the case of the boy Hunt. A verdict of wilful murder was given against Carter. Informations were applied for, and Colonel Caddell, who commanded the police when this boy was killed, was one of the Magistrates who sat upon the Bench, and refused to grant informations against people who had been declared guilty of wilful murder by the Coroner's Jury. Why should the Irish people respect law and order when they find it ruthlessly set aside by the tools of the Government, and when they see the verdict of one of the oldest Courts known to the Constitution ignored? Allusion has been made to the invasion of the sacred rite of burial, in the case of O'Dwyer. It was carried out by Colonel Caddell, and it was a most disgraceful proceeding. My hon. Friend the Member for North-East Cork had intended to make a speech, and I ask the right hon. Gentleman, is his Government so bad, is the conduct of the Resident Magistrates so atrocious, is the

course of the Executive so ruthless, that the criticisms of my hon. Friend could not be permitted? I come to another statement made by the right hon. Gentleman. He defended Colonel Turner from the charge brought against him by the Member for East Mayo, of having stayed at the house of Mr. Stacpoole, a local landlord. No matter how the Chief Secretary may exhaust his powers of rhetoric in defending Colonel Turner, we still hold that it is a disgraceful thing for a man in his position to have stayed with a local landlord. Why did the Land Commissioners give orders to the Sub-Commissioners never to accept the hospitality of anybody connected with the land of Ireland? Because they knew that to do so would be to forfeit the confidence of the Irish people. Is it not the fact that in England Inspectors of Private Lunatic Asylums do not accept the hospitality of those whose institutions they inspect? The Factory Inspectors in England, too, do not accept the hospitality of anyone who is connected with a factory. But in the case of Magistrates in Ireland, they can accept the hospitality of those in whose interests the law is administered in Ireland. This Colonel Turner, fresh from the table, with his legs just drawn from under the mahogany of his friend, Mr. Stacpoole, ordered his soldiers to advance upon the people, and I counted 80 men with bleeding heads after the fray. Yet the right hon. Gentleman expects the Irish people to respect law and order, as administered by these people, who accept the hospitality of landlords and agents. The manner in which the law is administered is illustrated by the remark of Colonel Carew, who said, "I do not care what the law is, but I do care about the instructions from Dublin Castle." Cheering for Mr. Gladstone is a crime to be punished, or calling a donkey by the name of Mr. Balfour, or winking at pigs at the fair, is a heinous offence. Indeed, the Magistrates have tortured the law so as to punish those whom they are obliged to declare innocent. Now, Sir; on the 2nd of July, last year, my hon. friend the Member for Mid Cork visited the town of Tipperary, and he was met by a number of people, who cheered him. The Police Magistrates considered that a very grave offence, and accordingly some 15 or 16 of these men, young fellows, were brought before the Magistrates. They were solemnly charged, and the case was investigated. The Magistrates retired to consult, and when they returned, one of the young men was dismissed, but with regard to the other 14 or 15, Mr. Meldon said they must stop such disorderly proceedings as cheering for the hon. Member for Mid Cork, and he ordered the defendants to find bail to be of good behaviour for 12 months, or go to gaol for two months. The defendants at once refused to give bail, and said they were ready to go to gaol. That is what I call a straining of the law by the Magistrates. I remember, Sir, reading of the crowd in Liverpool, on the occasion of a great trial, in which a woman was charged with poisoning her husband, expressing by groans its disapproval of the jury who found her guilty. People were so indignant at the verdict that they groaned at the jury and they groaned at the Judge; but there was no baton charge of the police, there were no arrests, no fines, and no imprisonment, and why? What was the difference between the two cases? The only difference was this, that the people who cheered for Mrs. Maybrick in Liverpool were Englishmen, and the men who cheered for Dr. Tanner in Ireland were Irishmen. The law was broken, if broken at all, as much in the one case as in the other. I have another case to refer to. There is in Tipperary a man of great influence and great respectability, although sometimes the Chief Secretary, as is his wont, tries to throw aspersions on his character. I allude to Mr. John Cullinane, who I might say is my premier constituent. His great offence in the eyes of the Magistrates is that he has great influence with the people. He has often been accused before the Magistrates, but the Magistrates have been obliged to admit that he used his best efforts to keep the peace, and to prevent riots taking place. Recently Mr. Cullinane was brought before Removables Irwin and Caddell, and charged with having taken part in an unlawful assembly. The unlawful assembly consisted in a procession of carts passing through the streets of Tipperary. These carts had been engaged throughout the

day in removing earth from one place to another, in order to level the ground for the building of houses for the evicted tenants of Tipperary. The neighbours of these people of Tipperary had engaged in what they believed to be a charitable work. They were formed into a procession by Mr. Cullinane, who believed that would be the best and more orderly manner in which they could get out of the town, as it would prevent delay, it would prevent stopping at public houses, and it would ensure that no opportunity would be given to the police to baton the people. Well, he marched them through the town, and was charged in consequence with an unlawful assembly. The case was solemnly tried by Mr. Irwin and Colonel Caddell. Well, Colonel Caddell, the hero of the Chief Secretary, the warrior with medals and honors, who insults evicted tenants when they are helpless females, who sticks out his tongue at an educated and respected rev. gentleman who addresses a civil question to him—even he could not find that Mr. Cullinane was guilty of unlawful assembly. He said it was for them to consider whether such circumstances existed as put people of firm minds in dread and terror. They did not feel that they would be justified in coming to such a conclusion, and therefore they dismissed the charge of unlawful assembly. But on the evidence before them it appeared that this gathering was "immensely excessive." In other words, Mr. Cullinane was guilty in the eyes of the Magistrates of an excess of legality, because they declared that the assembly was lawful. He was thereupon ordered to find bail, himself in £100 and two sureties in £50 each, to be of good behaviour for 12 months, or in default to be imprisoned for six weeks. Of course, Mr. Cullinane, as an honourable man, would not admit he had been guilty of any offence. If he had given bail for his good behaviour it would have been an admission that he was of bad behaviour, and he therefore elected to go to gaol for six weeks. Thus the Magistrates used the Act of Edward III., not for the purpose of punishing those who are guilty of crime, but in order to put out of the way the enemies of landlordism as it at present exists, and the friends of the people whose only offence is that they are the political opponents of the right hon. Gentleman the Chief Secretary. I shall allude to only one other phase of this question. The Magistrates in Ireland have incited the police to the commission of violent acts, at the time young Heffernan lost his life there was also another man named O'Donovan who was shot down by the police. In reference to this case Mr. Cecil Roche said—

> "I quite agree with the sentence of the Court, and I wish to say that in any other country in the civilised world had these men attacked the administrators of the law in the way they have, their lives might have been taken, and they (the police) would have been justified by the Government in taking their lives."

Now, Sir, that language was used by a man in a judicial capacity, and was addressed to a Force which is in a most excited state, and to men who, when they have deadly weapons in their hands are allowed to take drink to an extraordinary degree. In the trial alluded to by Mr. Cecil Roche, on that occasion, it was proved that the man who fired the shot was such a bad character in the eyes of the police that he was several times fined, according to his admission, for want of discipline and for drunkenness. This, taken in connection with language used in another case, is very significant. Mr. Bolton, Crown Prosecutor, said, in open Court, that he was sorry to hear it stated that the police had no right to defend themselves unless the Riot Act had been read three times. He declared that a more absurd statement had never been made and that whether or not the Riot Act was read, and even without command from their officers, the police were entitled to defend themselves with their weapons if attacked by civilians. Now, what I want to point out is, that these two speeches, when taken together, show design on the part of those administering the law in Ireland to incite the police to the commission of murder. After such language as that any constable may say, "I may shoot, maim, kill, bludgeon as much as I like; I have only to say my life is in danger, and whatever I do I shall be defended by Mr. Bolton, the Crown Prosecutor, and shall be

acquitted by Mr. Roche, the Resident Magistrate." At the time he made the speech to which I have referred, Mr. Roche said that stones were "deadly weapons," hence we have it that if a small boy—an irresponsible child—hurls a stone at the police in Ireland, it may be taken as an excuse for turning round on a peaceful meeting of citizens in Tipperary, Kerry, or Cork, and firing volley after volley into them. I say that such language as that, coming from such men in authority, and used in the presence of men who are already in a state of excitement, is nothing more nor less than an incitement to murder. We are often told by the Chief Secretary and the Attorney General for Ireland, who sometimes acts as his lieutenant, that we have the law open to us in Ireland. I imagine these poor people going before Colonel Caddell or Mr. Cecil Roche—the latter holding his drum-dead court-martial. After an eviction this Mr. Cecil Roche sits on a stone at the road-side, and, after his baton charges, having arrested people, tries them, and gives them six months' imprisonment. Imagine going before this gentleman and expecting to get justice. The Chief Secretary is fond of saying that the ordinary protection of the law is open to the poor people of Ireland. One man in Cashel, a discharged soldier, not long ago took the Chief Secretary at his word, having been seriously assaulted by a constable. It seems that some children were parading the streets, jeering at the police, and singing songs. The only people in the street besides the children were four men standing at a corner, one of whom was the discharged soldier. This man was assaulted by a policeman in a most wanton manner, and, relying on the word of the Chief Secretary, he brought an action against the constable for breaking a blackthorn stick across his head. It was proved that the assault had been committed, and one of the Inspectors was asked—

"Did the men at the corner do anything?"

The answer was—

"No, but I considered if they were allowed to remain they might do something."

The Magistrate heard the case, but the oath of the discharged soldier, who is yet liable to be called upon to shed his blood for his country, for he is in the Reserves, went for nothing, and that of the Inspector, who said that the four men, if they had been allowed to remain on the corner of the street, might have done something, was believed. The Magistrates, to whom we are asked to appeal for justice, dismissed the case against the police. Now, Sir, this case, which could be multiplied a hundredfold, if it stood alone, would be enough to justify us in taking up the position that the Irish people cannot expect justice in Courts presided over by Resident Magistrates, for the reason that those Magistrates are all on one side in Ireland, that side being the landlords and land agents. That is the side of the Government, who are the friends of the landlords, and the people feel it is no use to expect justice from these Magistrates whose salaries we vote to-night.

(9.22.) MR. O'KEEFFE (Limerick City): The hon. Member who last resumed his seat gave several instances of police misrule in Ireland. Every single county and city in Ireland is prolific in such instances, and were every Irish Member here to bring forward the cases that have come under his own immediate notice, I think this House would have to sit until the end of the year. The hon. Member referred to the friendly relations which exist between the landlords and Resident Magistrates in Ireland, and referred to the visit of a Resident Magistrate to a Tipperary landlord. Such a system as he described is, to my mind, fatal to respect for the law. As a practising Solicitor, I have seen letters from County Court Judges, declining on very high grounds to receive any entertainment from private landlords or noblemen in the districts over which they are the presiding Judges. I was particularly struck with the assertion of the Chief Secretary, that the law as regards intimidation and boycotting is the same in Ireland as in England. The right hon. Gentleman referred triumphantly to a case which was tried in Liverpool, and said the defendants in that case received a term of imprisonment for having taken part in boycotting practices. But the right hon. Gentleman was most careful

to conceal the fact that, assuming the law in its outline to be the same in its administration and detail, there is an essential difference. The defendants in the Liverpool case were tried before a Judge and Jury, but all cases of intimidation and boycotting in Ireland have been tried before irresponsible Magistrates, specially appointed by the right hon. Gentleman. Take the case of Mr. John McHenry of the *Limerick Leader*. That gentleman was tried for having published an article in his newspaper relating to the intimidation of a certain member in the locality. He was brought before two Removable Magistrates, and received the inhuman sentence of nine months' imprisonment. Thereupon the Crown prosecutor, Mr. Murphy, whispered to the Magistrates, who thereupon added hard labour to the sentence. That fact can be proved by the evidence of hundreds of persons who were in Court, and it exclusively proves that the Magistrates only sit on the bench to do the behests of the right hon. Gentleman. Several references have been made to the action of the police towards public men in Ireland. About two weeks ago it was my duty to attend a meeting in the mountains. There were four or five Resident Magistrates at the meeting—Mr. Shannon amongst the number—and immediately I stepped off the car I was shadowed. Two policemen stayed by me, and a Sub-Inspector of Police, who represented the new-fangled department of the right hon. Gentleman, the Intelligence Department, followed me several hundred yards distant. We are justified in holding up this conduct of which we complain to public reprobation, and if we had the least chance of carrying our protest to that extent, we should be justified in refusing the salaries of those who use their position to insult the Irish people and their Representatives. The Vote will certainly not be carried with our approval. The Chief Secretary does not apply himself to any source of popular information to guide him in his administration. I do not refer to those matters in which he is in antagonism with Irish bodies; I refer to Grand Juries. He has stated he has no power over Grand Juries, but when we find that a gentleman holding the important office of High Sheriff was dismissed——

Mr. O'Keeffe

THE CHAIRMAN: The hon. Member must confine himself to matters relevant to the Vote.

MR. O'KEEFE: I pass from the allusion I was about to make. All I wish to convey is that the Chief Secretary has not used those avenues of information from popular bodies in Ireland which would lead to successful administration in Ireland. I will give an instance from an experience some two years ago in the city of Limerick, which, I think, has never been referred to in this House. A public meeting announced to be held was proclaimed by the Government the day before the meeting was appointed to be held, and there was the usual paraphernalia of Resident Magistrates, police and soldiers, all the pomp and circumstance of war, to prevent the legal exercise of their rights by the people. That evening a riot took place in the city. I will not enter into details, but it was shown in evidence before the Judge of Assize on a case arising out of claim for damages, that the riot and the damage originated with the action of the police themselves. But what I want in mentioning the circumstance is to give proof in support of my assertion that if the Executive would seek the advice of popular Representatives, they would not fall into the blunders they commit. The Resident Magistrates who on this occasion were the supreme destiny, who had the lives of the people in their hands for 24 hours, when they saw the state of turmoil and riot they had caused by their action, went quietly to the Mayor's office—to the man whose existence they had ignored on the previous day, and said—

"We know your influence, and if you will take over the peace of the city, we will all go away, and there shall be no more police seen in the streets."

They had come to appreciate the gigantic blunder they had made by insulting the people, and these doughty champions of law and order came cringing to the Mayor to induce him to take over the task of keeping the peace which they could not accomplish. I am glad to say the Mayor did as he was asked, the Police Force vanished, and there was no further disturbance. With regard to the particular

matter which has been brought before the Committee the character of the Resident Magistrates, I can only say that I have never, in my magisterial experience, and I have had sometimes to associate with these gentlemen, observed any qualities that should invite the confidence of the Irish people. I never heard from them the expression of any lucid idea in law or fact. I remember once having to sit in judgment on a Resident Magistrate.

MR. MAC NEILL (Donegal, S.): Did you give him six months?

MR. O'KEEFFE: No, I did not. He was guilty of a culpable breach of law. Some flag was hanging out in the street; it waved between him and his allegiance to the right hon. Gentleman, and for the removal he was summoned for trespass. We were merciful to Resident Magistrates, and the Court fined him 5s., with the alternative of 14 days' imprisonment. Now, it is asserted that it is impossible for an Irish Magistrate to state a case for a Superior Court, but I know that I gave 15 reasons for the conviction, in each of which I was upheld by the Queen's Bench, although, on a technical ground, it was found the case did not come under the section of the Act. Whether you take the high policy of the Chief Secretary or the details of his administration, his Coercion Act, after four years' experience, is a miserable failure. Has it in any case shaken the allegiance of an adherent to the National cause; has it made one convert? Quite the contrary: its effect has been to intensify the eternal hostility of the Irish people to the system of the Chief Secretary. With all the force of our people's opinion behind us we shall contest that policy. We know that no matter what changes may be effected in Parties here, we know that our words and our actions are justified in the minds of the Irish people, and we know that when we go back to our constituents, any man among us who wishes to return here will not appeal to his constituents in vain. I think the Irish people appreciate the good services rendered by Irish Members who attend these discussions on the Estimates. By this means we show the failures of the right hon. Gentleman's administration. The whole policy of the Chief Secretary has been an entire failure, and the Irish people will hail with delight the moment when the political extinction of the right hon. Gentleman and his Party is announced. On that day the black flag will be hoisted half-mast high over every gaol in Ireland.

(9.40.) MR. MAC NEILL: The Chief Secretary is always interesting when he assumes the high moral tone, and he has discharged all the vials of his wrath upon my hon. Friend the Member for East Mayo. In his strictures upon Resident Magistrates my hon. Friend was undoubtedly severe, but the great point of his severity was that every word he said was demonstrably true. If my hon. Friend has erred in his estimate of the characters of these Magistrates he has erred in good company. Archbishop Whateley, who had 30 years' experience of Ireland, said that the time of the Lord Lieutenant was occupied chiefly in trying to get the posts of Resident Magistrates for ruined gamblers or cashiered officers, and Lord Rosse, a Tory of the Tories, used language not a whit less strong than has been used to-night with reference to these Resident Magistrates, stating, for example, that the appointments were infamously jobbed, that no character seemed to be thought necessary for the post, and that half of those appointed had been habitual drunkards. My hon. Friend the Member for East Mayo made a brief allusion to some letters from applicants for appointments, which passed into our hands, and specimens of these were read to the House by an hon. Colleague in 1887. I lately was reading some of these, and they are worth reading. [An hon. MEMBER: And the dates.]—Dates! O'Neill Segrave was appointed in 1888, and that after being dismissed, branded as a swindler by the Cape Government. This is the first letter from a well-known Gentleman, the late Knight of Kerry, to Lord Carlisle, then Lord Lieutenant—

"My Dear Lord,—The kindness which your Excellency has shown me since I have had the honour of being known to you encourages me to apply to you on a subject deeply interesting to me, although I fear it will need all your

kindness to excuse the presumption of the application. My brother (Stephen Fitzgerald) having but a small provision, my father applied to Lord Clarendon, when Lord Lieutenant, for a situation for him, and received an encouraging reply, with a conditional promise; but nothing having resulted therefrom, he continued to lead an idle life at home, and fell into habits injurious to himself and distressing to his family, who could not but lament to see considerable talents, united with an excellent natural disposition, completely going to waste. He has latterly, I rejoice to say, been leading a different life, and recently formed an attachment for a most interesting young Scotch lady, one, who especially in point of deep religious feeling, is all that could be wished for, and their union, so very desirable, is only delayed in re erence to his financial position. Under these circumstances, I venture to ask your Excellency's kind aid in procuring a situation for him. That of Stipendary Magistrate is one for which I think he would be extremely well qualified, as he has regularly and very efficiently discharged his duties as a J.P. in this parish and in the neighbouring district; but if that post be unattainable, some one of less value would be just now very acceptable. I really dislike more than I can well say thus troubling your Excellency in such a personal matter, but I feel at least that you will make great excuse for my so doing in a case where more than the temporal interests of an only brother are involved.

I have the honour to be, my dear Lord,
Your Excellency's very obedient and
obliged Servant,
P. FITZGERALD.
(Knight of Kerry).''

MR. KELLY (Camberwell, N.): Will the hon. Gentleman mention the date of that?

MR. MAC NEILL: About a quarter of a century ago. But my contention is that instead of growing better these appointment have been growing worse. These appointments are not like good wine; they have not improved with age. And now let me give another specimen.

THE CHAIRMAN: The letters may have been amusing when first read, but to read them now offends against the rule against tedious repetition. Moreover, they are not relevant to the Vote.

MR. MAC NEILL: My only object is to prove my contention that bad as they were in those times they are worse now. I was about to read a letter from Lord Monck on behalf of his brother-in-law who desires an appointment, whose qualifications seem to have been that he was an ex captain in the 17th Lancers, not on good terms with his father, with nine children, and in embarrassed circumstances. I will not read the letter from Lord Monck, having in view your ruling, but I may refer to the appointment of Colonel Forbes, who is still, I believe, a Resident Magistrate. Here is the letter in which this gentleman is introduced:—

"62, Great King Street, Edinburgh,
January, 23rd, 1890.

My Dear Sir,—May I venture to introduce to you my cousin, Major Forbes, late of the Third Light Dragoons, a very distinguished officer at Sobraon? His military testimonials will speak for themselves. He is a candidate for one of two Stipendiary Magistracies in Ireland, where his brother, Colonel Forbes, has recently purchased property in County Galway. Their father commanded the 56th Foot. They are all Roman Catholics, but mostly gentlemanly and popular men. Major Forbes has been resident at Edinburgh.

Yours faithfully,
J. J. HODSON, D.D.,
Merton College, Oxon."

Well, the application was successful. Colonel Forbes was the Resident Magistrate at Kildare, and at the Kildare Quarter Sessions, in April last, he was the defendant in three suits for goods supplied to his wife. His defence was that he was not liable because he had made a separate allowance for his wife, but it was stated in evidence that his wife had not received any allowance for three and a half years, and decree was given in each case against him. Surely that is not the sort of gentleman who ought to be a Judge of the political conduct of Irish Members. At the risk of tedious repetition, for I know it has been very often mentioned, I would recall the Committee to a statement made on the 17th May, 1887, by the Chief Secretary. In that statement the right hon. Gentleman expressly declared that an appeal should be given in every case from Resident Magistrates' decisions under the Coercion Act. But now he has withdrawn from that, and his Magistrates give short sentences to prevent appeals. Thus we have Mr. Redmond, the editor of a Wexford paper, sentenced to two weeks' imprisonment, and he asked to have the sentence increased to give right of appeal. That entreaty was refused. Who were the persons who inflicted the

sentences on these gentlemen? One was Mr. Considine, a gentleman of whose legal knowledge the Lord Lieutenant is satisfied, although he has never been called to the Bar. His coadjutor was a promoted policeman. It has been repeatedly urged that these Magistrates, these 14 lawyers, who are nothing but the sweepings of the library of the Four Courts, are selected because they will administer the law as between man and man. But the law which they do administer is one which cannot be tried by ordinary Magistrates at all. It can only be tried in this country in the Superior Courts before a Judge and Jury. It cannot be tried in a Court of Petty Sessions, and this duty in Ireland is reserved exclusively for Resident Magistrates. It is said that the same law prevails in Ireland as in England. Why, as I have already stated, in England tradesmen and operatives, according to declaration of the Home Secretary, are especially protected under the Workmen's Liability Act, whereas the Irish peasants are treated under laws entirely different from those affecting people of the same class and social condition in England. During the last 15 months there has been a development in the proceedings of the Resident Magistrates. I mean in connection with the novel provision of giving bail. The hon. and learned Gentleman the Member for Stockton, when the matter was first brought forward, said that in all his experience he had never known of a case in which a man had been called upon to give bail for good behaviour when no crime had been committed. But what is the course in Ireland? The first person who was brought under the operation of this provision was the hon. Member for Mid Cork, who was taken before a brace of Removables, of whom one was Mr. O'Neill Segrave. These Magistrates stated that he was not guilty of the charge originally prefered against him, but they then produced a long document, on the strength of which they sent him to prison in default of giving bail for his good behaviour. Surely that is another instance of the inequality of English and Irish law. I have the authority of the Court for Crown Cases Reserved in England for saying that no person can be held over to be of good behaviour for committing no offence. A case recently occurred in England in which a man named Miles was tried for assault. The Magistrate did not inflict any punishment upon him, but held him over to be of good behaviour. Subsequently fresh evidence was forthcoming, which showed the assault to be of a very aggravated nature, and he was then put upon his trial for the aggravated assault. But the plea was put forward that he had already been convicted of the assault, and punished by being called upon to give bail for his good behaviour, and the Superior Court held that the call made upon him to give bail amounted to punishment for the offence, and that, consequently, he could not be tried a second time for that assault. Yet in Ireland, without any offence being proved against any accused person, the Resident Magistrates are held to have the power to hold him over to bail for good behaviour. The hon. Gentleman the Member for South Belfast was once called upon to give bail. He declined to do so, saying that if he did he would admit his moral culpability, and he preferred to go to prison rather than place himself under a moral stigma. I say the administration of the law in this respect is most shameful. Some man becomes an object of suspicion and even hatred to the Government. Proceedings are promptly instituted against him under this Coercion Act. It happens in all probability that the charge against him is not provable, and the Magistrates who are dependants of the Chief Secretary inflict upon him the arbitrary and cruel punishment of sending him to gaol in default of giving bail—bail which no hon. Member would ever dream of giving. Lord Spencer has been referred to, and, in a speech which he delivered on the 17th December last, he said that the Resident Magistrates, dependants of the Crown, are absorbing the legitimate jurisdiction of the Petty Sessions. He added that in his time Resident Magistrates were only employed in exceptional cases, but now they are employed in Petty Sessional Courts, and they oust the jurisdiction of the country gentlemen who are on the Commission of the Peace. A most remarkable instance of this has occurred in Tipperary. A Coroner's Jury found a verdict of wilful murder against two

policemen in connection with the death of a boy named Heffernan. The two accused persons were taken to the Petty Sessions, but the Bench was packed with two Removable Magistrates—Mr. Meldon and Colonel Caddell—who refused to send the men for trial. Again, we have heard Resident Magistrates say that they represent the Crown. The right hon. Gentleman the Chief Secretary has repudiated that assertion. He stated that Colonel Carew had never made any such statement. I am surprised that a man of the Chief Secretary's ability should so absolutely assert a negation——

MR. A. J. BALFOUR: I stated that Colonel Carew never said that the Crown had given him directions in regard to judicial decisions.

MR. MAC NEILL: That is a beautiful dialectical curiosity. Now we will come to the real facts. This case occurred on the 7th September, 1887, and I think the Report which I hold in my hand will fully prove my contention that these Magistrates combined executive and judicial duties. Some men were brought before Colonel Carew (sitting not as a member of a Coercion Court, but as a member of a Court of Petty Sessions) for assault. What occurred? Colonel Carew said—

"I have received orders from Dublin Castle that these men shall be tried before the Coercion Court, and I now order them to be taken back to Kilmainham Gaol."

The solicitor who defended said—

"I should like to have this thing done formally. I understand that the prisoners have been served with a summons since they came here to-day. If the Crown desire a remand they must make application in the usual way.

Colonel Carew (to the Clerk): Make out the warrants for the prisoners.

The Solicitor to the defendants: The case must be first called on. Then you must hear what the Crown have to say, and I may have something to say on behalf of my clients. I wish to know does the Crown withdraw the charge?

Colonel Carew: I represent the Crown here, and I have instructions that these men shall be tried under the Coercion Act.

The Solicitor for the defendants: Pardon me, you no more represent the Crown than I do. Your business is to hold the scales of justice evenly.

Colonel Carew: I am a Resident Magistrate here and as such represent the Crown. The prisoners will be tried under the Crime Act."

I think, Mr. Courtney, that the right hon. Gentleman owes me an apology for denying that a Resident Magistrate has ever stated that he represents the Crown. Now, I propose to proceed to another case, and that is the action of the Chief Secretary in moving these Resident Magistrates about the country, like pawns upon a chessboard. One Magistrate, a respectable gentleman in the County of Cork, was dismissed by the Lord Chancellor from the Commission of the Peace, simply because he went a short distance outside his district in order to adjudicate upon a case in which a charge was brought against a policeman. But what does the right hon. Gentleman do? We find that he sends his Resident Magistrates all over the country. And why does he send them? Because the Government find they are handy tools for the purpose. The right hon. Gentleman said that Mr. Cecil Roche had got promotion because he richly deserved it. But he deserves it simply because he always does the right hon. Gentleman's behests. Mr. Cecil Roche got promotion also because twice when he was on the Bench he incited policemen to the commission of crime. He incited them to the commission of acts which might have resulted in murder. Of course, in the eyes of hon. Members opposite murder is not so serious a crime as boycotting. A policeman if he fires a revolver in the air is guity of a dereliction of duty, for has not the right hon. Gentleman said that it should be the object of a policeman to "fire to kill?" I want to know if Colonel Caddell is an independent Magistrate what right the Chief Secretary has to closet him. These Magistrates are all said not to be dependent upon the Chief Secretary, but we continually see announcements, or rather we did see them until I drew attention to the fact in the papers, to the effect that Resident Magistrate So-and-so "having been in attendance on the Chief Secretary in Dublin has returned to his duties." Surely that is not a proof of the independence of Magistrates in connection with the Divisional Magistrates. In conclusion, I should like to point out that Colonel Turner has not been so wise as Captain Plunkett was, and he has openly endeavoured, in connection with the Vandeleur Estate,

instead of promoting peace and order, to do the very reverse. I will only add that the more we disclose these facts to the people of England, the more we show how the whole machinery of justice in Ireland is used for political purposes, the surer will be our victory at the next General Election.

(10.25). COLONEL SAUNDERSON: I should have left the House to judge of the accusations which have been made, and the defence of the Chief Secretary, had it not been for the fact that hon. Members opposite will persist in saying that they speak in the name of the Irish people. I do not deny that they speak in the name of some of the Irish people, but I absolutely deny that they speak in the name of all the Irish people, and I, therefore, ask the permission of the House to intrude for a moment or two in a Debate which concerns the maintenance in Ireland of law and order. There is one advantage that the Government, whether Tory or Liberal, is sure to possess, and that advantage is that they know that a certain portion of every Session, when the Irish Estimates are under consideration, will be devoted to attacking the Government and the Irish Executive. The present Debate has pursued the usual course. A mild attack was made upon the Vote of the Lord Lieutenant, and it was proposed, I think, to deprive him of the advantage of a Chaplain and a Secretary. A very powerful attack was made upon the Vote for the Chief Secretary for Ireland. That Debate is in the memory of the House, and it appears to me that instead of the attack being made upon the executive policy of the right hon. Gentleman and the Government, hon. Gentlemen opposite complained principally of his manners in the House of Commons. The hon. Member for North-East Cork pointed out that the Chief Secretary, under the thrashing he had experienced, had improved. The hon. Member for East Mayo, who followed in the Debate, said the Chief Secretary was far from improving. After all the efforts of hon. Gentlemen opposite to improve my right hon. Friend he has not attained that high level of Parliament decorum which is prevalent below the Gangway. Then the police were attacked. There is a sort of familiar likeness in all these Debates—a certain number of cases were brought forward, but I think the weakness of the attack must have been palpable to the House and to the country. Now I come to the last act of the tragedy, or rather comedy. With regard to the speech we have just heard I will say nothing. When I called out "date," it was not done to annoy or interrupt the hon. Member for South Donegal, but to bring out the fact which I want the House to appreciate, that the letter was written 42 years ago, and was written under a Liberal Administration. The hon. Member for East Mayo made a violent attack on the Police Magistrates, and referred to the case of Mr. Hamilton, who, he said, was an Orangeman. I challenged that statement, and the hon. Member then said that if Mr. Hamilton was not an Orangeman he had an Orangeman's heart.

DR. TANNER: I rise to order. The hon. Member has challenged a statement that Mr. Hamilton was not an Orangeman.

THE CHAIRMAN: Order, order!

DR. TANNER: I say, as a point of order, that Mr. Hamilton told me with his own lips——

THE CHAIRMAN: It is not a point of order. The hon. Member must be ignorant of the elementary rules of order.

DR. TANNER: He told me with his own lips that he was an Orangeman.

THE CHAIRMAN: Order, order! Colonel Saunderson.

COLONEL SAUNDERSON: I believe there is one thing in common between Mr. Hamilton and the Orangemen—they are both on the side of law and order in Ireland. The hon. Member for East Mayo then pursued a different and, I believe, an entirely new line of attack in this House. He attacked Colonel Caddell, and said he believed that he could prove that Colonel Caddell's character was as disgraceful as that of Captain Segrave. Colonel Caddell is not here to defend himself, and I look upon such an attack, founded upon merely an assumption of knowledge, as one of a most cowardly description. No hon. Member of this House has ever before attacked the character of another,

whether that person is in or out of this House, on the mere assumption that he believed he could prove in the future that the character of the person attacked was as bad as that of some other person indicated, and I think the hon. Member for East Mayo will yet feel ashamed that he has made the statement. It is a statement he dare not make outside, where there would be another method of dealing with it. But under the privilege of Parliament he fires this barbed arrow at a man unable to defend himself. The hon. Member then went on to attack the Executive, and I agree with him when he says that Government could not be carried on in Ireland without unpleasant expedients. That is so, because the Executive has to deal with the criminal expedients of the Nationalists. Shadowing is an unpleasant expedient, but the persons shadowed have to be looked after. It is unpleasant for the Magistrates to interfere with the right of public meeting, but when meetings are held with the object of intimidating the people the duty becomes necessary. The right hon. Member for Wolverhampton also has found fault with the Irish Executive on the ground that they have not the confidence of the Irish people, by whom I suppose the right hon. Gentleman means that portion of the people who are represented by hon. Members opposite below the Gangway. That may be true, but what conceivable Executive or Magistracy or police would secure the sympathy and support of those hon. Members? It would be as hopeless and foolish a task to seek to satisfy them in those respects as it would be to try to create Magistrates and to enlist police that would satisfy the aspirations of the criminal population in London. The issue between the hon. Members opposite and the Unionist Government is as to what is crime, and on this point agreement can scarcely be expected between them. The right hon. Member for Wolverhampton, however, went on to say that he did not impugn the action of the Resident Magistrates on personal grounds, but because they were not lawyers and had not received legal training. The Irish Magistrates have dual functions to perform—executive and judicial—and the executive function, when they find the people hounded on to lawlessness by certain persons, among whom are Members of this House, requires something more than a legal training to discharge efficiently, and I know of no persons better qualified for such a duty than men who have occupied distinguished positions in the Army. The main result of the Debates on the Irish Estimates must be to convince the majority of the House and the country that the Executive in Ireland are attacked simply because they have sought to maintain in Ireland the laws that Parliament has passed. It is also apparent, from the line that has been adopted by the leaders of the Party opposite, that this attack is on no particular Government; it applies to all Governments, of whatever Party, who dare to maintain the law in Ireland, and the attack made on this Unionist Government sinks into insignificance when compared with the violent and unscrupulous attacks that have been made on previous Governments. Therefore, the Chief Secretary may feel very well satisfied with the result of the Debates, for they have faded away into matters of very little importance. So persuaded are they of the great popularity and triumphant success of my right hon. Friend, that for the first time, for I do not know how many years they have allowed the Chief Secretary's Vote to pass without a Division. There is at the present moment one feature which differentiates these Debates from those which have preceded them. In former times, I am not going into ancient history, for I only speak of four and a-half years ago—an attack on the Irish Executive and the Stipendiary Magistrates was always——

THE CHAIRMAN: I am afraid the hon. and gallant Gentleman is going into matter which is not relevant to this Vote.

COLONEL SAUNDERSON: I think, Sir, if you will allow me to follow the matter up, I can show that the line I am taking is absolutely relevant We have had an attack made on the Stipendiary Magistrates in Ireland, and I want to point out the circumstances which differentiate this attack from former attacks on that body. Formerly these attacks came alone from hon. Members below the Gangway, whereas now, they

are joined in by those who at one time were responsible for this Vote. The hon. Member for East Mayo has attacked Colonel Turner on the ground that he has changed his opinions, and that he has a convenient conscience; that whereas, in former days he was a Home Ruler, he is now a Unionist. I wonder what most of the right hon. Gentlemen sitting on the Front Opposition Bench thought of that attack on Colonel Turner's position. Sir, I have no doubt what the final verdict of the country will be when the country appreciates the facts. [An hon. MEMBER: "Barrow."] An hon. Member cries "Barrow," but I think it will not be denied that the Barrow Election did not turn on the Irish Estimates. The Barrow Election turned on the attempt which was made to float the foundering ship of Home Rule on the advancing tide of teetotalism. When these attacks on the Irish Magistrates which are now made are read, I think it will be found that the verdict of the country will be that the Irish Executive, which is specially represented in this House by the right hon. Gentleman the Chief Secretary, has brought about in Ireland at the present moment a condition of peace and prosperity that has been unknown in that country for many years.

(10.46.) MR. CLANCY (Dublin Co., N.): We have heard the speech just delivered by the hon. and gallant Gentleman (Colonel Saunderson) a good many times. He tells us that we are the party of disorder, and that the Orangemen of Ireland are the party of law and order. This comes well from the champion of the party which has threatened to kick the Queen's Crown into the Boyne. The hon. and gallant Gentleman went to Belfast at the General Election, and did not remain there very long. He tried to champion the candidature of Colonel Somerset Thaxwell, and was hunted out of Belfast. He has compared the population of Ireland with the criminal population of London; but among the Irish people is the constituency which he himself represents, and that also which returned my hon. Friend the Member for South Armagh (Mr. Blane) without contest at the last two elections. But Armagh is not the only part of Ireland containing this criminal population; more than half of Ulster must be included. The Counties of Donegal, part of Derry, part of Tyrone, Cavan, and Monaghan, are all embraced in his sweeping and, as I venture to term it, disgraceful declaration. When we attack the Orangemen of Ulster we do not impute to them criminal instincts from their birth; and I think the time has come when even the hon. and gallant Gentleman's own Party ought to repudiate the attacks he makes upon his own country upon every occasion when he speaks in this House. The hon. Member has referred to the date of a letter, which has been quoted, and stated that it was written 42 years ago; but if more recent letters could be got at, I think it would be found that they would be very much of the same character. We are unable to produce the documents we should like to have. We cannot produce the letters which led to the appointment of C. Roche, Mr. Segrave, and Major Waring; but if we could get them I think it would be found they were very much like the letter read by the Member for South Donegal. We have to-night been treated by the hon. and gallant Gentleman to a washed-out edition of the speech he did not deliver on the 12th of July. I hope he will repeat that speech as often as possible, especially at the bye-elections, because if he does our victories will be more numerous than ever. He has pleaded for the colonels who sit on the Magisterial Bench, and argued that men who had served in the Army were those best fitted to administer justice in Ireland. To my mind the sooner all these Magistrates are colonels the better, because in that case the sooner will the present system be terminated. At present you mix up a few lawyers and non-military men with the great military geniuses who figure on most of the Magisterial Benches, and the result is that you do not get at the truth as you would do if all the Magistrates were colonels, because then the system would be shown to be so ridiculous that the British people would at once get rid of it. I might, however, suggest that considering the position the hon. and gallant Gentleman has himself held in the Army he might have left his eulogium of the colonels to other hon. Members. He has referred to the American phrase that the people were "agin the Government." I do not think we could produce any phrase more strongly condemnatory

of the Irish Government than that. That phrase, which is historic, involves an emphatic commentary on the disgraceful system pursued in Ireland for the last 300 years. Ever since the dawn of civilisation in Ireland, as testified by Sir John Davis in the reign of Charles I., the people have been claiming equal justice. Why do they not get it? It is because you have made the Government of "law and order" a byword. You have so governed the Irish people that to expect them to obey the law would be to expect them to be more than human, and I do not hesitate to assert that if the Irish people had the least respect for law and order as now interpreted they would not be fit for freedom. In conclusion, I would give the House one illustration of how justice is administered in Ireland. Last year Mr. John Cullinane was charged before two Justices, including Colonel Caddell, with unlawful assembly, and in the judgment then delivered it was stated that the terror resulting from the assembly was not sufficiently great to justify the Magistrates in concluding that the meeting was unlawful, and consequently they would have dismissed the case but for the fact that the gathering was excessive, and the consequence was that Mr. Cullinane was held to bail in £100, with two sureties in £50 each, or in default to undergo six weeks' imprisonment. In the case of Cullinane the man was actually acquitted of crime. The Magistrates decided that no crime was committed, nevertheless they bound the man over to keep the peace, and because he would not confess that he had broken the peace and been guilty of crime by entering into his own recognisances, he was sent to prison for six weeks. Was anything more monstrous ever heard of? Is it any wonder that the Irish people throw dirt upon, and spit upon, the present administration of the law in Ireland. It they did not kick it from one end of Ireland to the other on every conceivable opportunity, they would not be worthy of the liberty for which they are struggling.

(11.2.) MR. W. REDMOND (Fermanagh, N.: I feel bound to raise a protest against the speech of the hon. and gallant Gentleman the Member for North Armagh (Colonel Saunderson). He compared the Irish people to the criminal population of London. When speaking of the portion of Ireland he represents he should have remembered that the majority of the Representatives of Ulster sit on these Benches and not behind Her Majesty's Government. As representing an Ulster constituency in which Catholics and Protestants stand side by side, I am bound to say that I repudiate in the strongest possible manner the hon. and gallant Gentleman's insinuation. He said these attacks were made on the Irish Estimates every Session, and that within his own knowledge these attacks have been constantly made during the past 22 years. Why, Sir, the fact that these complaints are made year after year and Session after Session is the best proof that they are not without foundation. The hon. and gallant Gentleman says that this Debate has been a comedy, and I must say I never, in my life, heard a bolder assertion. He must be aware that one of the reasons we have made these speeches has been to complain of the wanton and cruel murder of unoffending persons in the towns and villages of Ireland. References have been made in the course of the Debate to the conduct of the police in shooting down people in cold blood when acting under the orders of Resident Magistrates—shooting down men and boys for no crime whatever, or for doing that which in this country would not even evoke an order to "move on." The hon. and gallant Member said that these Resident Magistrates in Ireland should be military men, and he scoffed at the idea that they should be expected to have any legal training. But one of the principal class of cases upon which these men have to adjudicate is that of conspiracy, and every one knows that that is the subject of all others in dealing with which legal training is required. The hon. Member gave his case away when he said that these Magistrates should be men of military experience. It is our complaint in Ireland that the majority of these men are fitted for military affairs, but certainly unfitted to administer the civil law. Would complaint be made if a state of things similar to that in Ireland existed in England and Scotland? Why, if we had no other grievance in

Ireland this would be a monstrous one under which our people could never be expected to rest contented. I myself have had the honour and advantage—for we consider it such in Ireland—of being sentenced to three months' imprisonment by two of these Resident Magistrates. When I was undergoing prosecution, one of the Magistrates, who had been in charge of 400 police and soldiers, was asked what were his qualifications to be in command of these men on a critical occasion, and he replied that for a short time he had belonged to the Inns of Court Volunteers. He was then asked what were his qualifications to sit on the Bench and sentence me to imprisonment, and he had to admit that he had never been called to the Bar, or attended a single legal lecture, or passed an examination in his life, and that his only qualification was that he had eaten a few dinners in the Middle Temple in London. It was by a man of that kind I was sentenced to imprisonment, and when anyone complains of our rising in this House and giving vent to our complaints under such circumstances, I say that it is most unreasonable.

(11.9.) MR. SHAW LEFEVRE (Bradford Central): I do not desire to detain the Committee for more than a few moments, but, before the Vote is taken, I am anxious to say a few words on the speech of the right hon. Gentleman the Chief Secretary. I think those who listened to his speech will admit that, though he spoke with his usual ability, he utterly failed to make any adequate reply to the right hon. Gentleman the Member for Wolverhampton. My right hon. Friend showed that of the 75 Resident Magistrates in Ireland, only 14 have received the first rudiments of legal education, and that they were briefless barristers who had been appointed because they had failed at the Bar. Of the remainder, a very large proportion are military men—half-pay officers—and the others are political hacks who, like Mr. Cecil Roche, having been defeated at the polls in England, reap their reward on the Bench in Ireland. How did the Chief Secretary attempt to deal with the complaint of my right hon. Friend? He drew a comparison between the Chairmen of English Quarter Sessions, many of whom are soldiers, and the Irish Resident Magistrates; but according to my experience the former class are the very pick of the English Magistrates, and many of them are experienced barristers. Then they are assisted and controlled in all difficult cases by juries, and I would not trust even those gentlemen to deal with difficult questions of conspiracy without a jury. It is the jury who is the protection in England against injustice being done under the law of conspiracy. That law would never have been allowed to remain on our Statute Book if it had not been for that protection. Yet this, which is admitted to be the most difficult part of our law, is in Ireland committed to the jurisdiction of these incompetent, broken-down lawyers or soldiers, who form the great bulk of the Magistracy in that country. The Chief Secretary further urged that the Resident Magistrates have stood the test of experience, and have given great satisfaction in Ulster. But, owing to the peculiar conditions of Ulster, no parallel can be drawn between the position of the Resident Magistrates there and in other parts of Ireland. The right hon. Gentleman went on to claim credit for the Resident Magistrates on the ground that only a certain proportion of decisions had been reversed, and he said that even in cases where terms of imprisonment of less than a month had been inflicted there was still an appeal to the Superior Courts. But it must be recollected that it was very difficult for poor people to proceed by way of writ of *certiorari*, and when they did it must be borne in mind the presumption of fact was always against them. Some of the Judges had declared that they would not over-rule the Courts below on questions of fact. Under the circumstances, therefore, I am not surprised that there was not a large number of appeals of this kind. I notice that the right hon. Gentleman the Chief Secretary was altogether silent on the case of Father Crowley, which was referred to by my right hon. Friend the Member for Wolverhampton. My right hon. Friend showed that this gentleman was convicted of conspiracy in a case in which no jury in England could have been found to convict, and sentenced to imprisonment for one month, and to give bail to be of

good behaviour or go to prison for a further term. That is a glaring instance of the injustice perpetrated by these Resident Magistrates, for they know perfectly well that gentlemen of this character decline to give bail. Then, with reference to the case of Colonel Turner, who took up his abode with the leader of the landlord party in his district, the Chief Secretary says that it would have been impertinent for him to direct Colonel Turner where he should live. But in the case of the Land Commissioners a rule has been laid down forbidding them to accept the hospitality of landlords, lest they should lose the confidence of the people. Colonel Turner has shown himself a thorough partisan, and is universally distrusted in Clare, as I can vouch from experience, having visited the district. It seems to me it was a very unfortunate thing that Colonel Turner identified himself with Mr. Stacpoole; and also that the Chief Secretary did not drop him a hint that it would be wise not to accept this hospitality. With regard to Colonel Caddell, looking only at his public character and acts, I think he is a most unfortunate officer in his district. He is a constant source of danger to the district, appearing to be interested in inciting the people to a conflict with the police and the military. I have had some experience of this gentleman, for when, last autumn, I went to Tipperary, I was followed by 600 or 700 people to the house where I was going to stay, and when I arrived I was invited to address them from the steps of the house. [*Ironical cheers and laughter.*] I am not ashamed of it. I did not go there for the purpose of making a speech, but had desired that there should be no demonstration. However, it was very difficult to avoid one. When the people asked me for a speech there immediately started up a force of 30 or 40 armed police, with Colonel Caddell at their head, and posted themselves on the flank of the crowd, and a conflict between the police and the people seemed imminent. That is a good example of what is taking place in Tipperary daily. Colonel Caddell is a representative man of his kind. I believe the Chief Secretary would do well to remove Colonel Caddell and appoint some more moderate and cautious man. One of the worst symptoms of the administration of the right hon. Gentleman is that he never makes any concession to public opinion, and has no sympathy for the feelings of the people, and there can be no better illustration of this than what happened at Mr. O'Dwyer's funeral. A great outrage was committed by the police on that occasion. Colonel Caddell proclaimed the funeral in advance as an illegal assembly, and I venture to ask whether in the whole history of Ireland such a thing ever was done before, or whether in any other country in Europe the Government has ever been known to proclaim a funeral? Was there any reason to believe that any harm would have resulted from allowing this funeral to take place in the ordinary way? The hon. Member for North-East Cork (Mr. W. O'Brien) delivered an address, and I am sure the presence of the police made no difference in his utterances on that occasion. His speech was couched in terms of the greatest possible sympathy for the people of the district, and no exception could be taken to it on the ground that it had an illegal tendency. It would have been well, in my opinion, to have allowed the funeral to take place without the intervention of the police. What harm could it have done? Political funerals are not uncommon on the Continent, and the authorities, however despotic they may be in general, usually make an exception in favour of a funeral and allow things to be said which they would not allow to be said on other occasions. They recognise that it does not do to outrage the feelings of people on such occasions. I think the right hon. Gentleman would have done well to have allowed a political funeral to take place in this case. I rather gathered from the right hon. Gentleman that he is not altogether pleased with the action of Colonel Caddell on this occasion, for he said he would not express an opinion as to whether it was right or wrong. I would suggest that it would have been wise of him to have gone a little further, and to have made some small concession, even at the last moment, to public opinion in Ireland. Few people who have not been present at some of the Magisterial inquiries in Ireland can form an adequate notion of the relation of the

Resident Magistrates to the executive. The fact is that these Resident Magistrates are part of the executive, and are completely under the thumb of the Crown lawyers. I have myself seen three or four trials of this kind, and what most struck me about them was the complete helplessness and feebleness of the Resident Magistrates in the presence of the Crown lawyers. I am not one of those who believe that the Resident Magistrates actually receive instructions from the officials in Dublin, but I could not help seeing that they were the complete slaves of the Crown lawyers—not from bad faith, but because they were so feeble and so ignorant of the law. I believe that hundreds of these cases come before the Crown Prosecutor and the Attorney General. I think I am right in saying that all these cases come before the Attorney General before the prosecutions are entered upon, and that he therefore is primarily responsible for them. The Resident Magistrates practically carry out the suggestions of the Crown lawyers and the Attorney General. What is also conspicuous about these cases is that they have all been perfectly futile. I believe I am right in saying that all these cases are connected directly or indirectly with disputes between landlords and tenants. They are entered into for the purpose of breaking down the combination of the tenants and enabling landlords to collect arrears of rent. In this respect I undertake to say they have been utterly futile from beginning to end. I challenge the Chief Secretary, as I have done once before this Session, to say whether he can show that any adequate result has accrued from any of these prosecutions under the Coercion Acts. Has he succeeded in breaking down any of the combinations between landlords and tenants; has he succeeded in breaking up any of the so-called suppressed branches of the National League; has he prevented people from attending meetings to protest against the injustice of their landlords? I say he cannot show that any good has been done, even from his own point of view, by the course that has been pursued. It is true that many of the disputes between landlords and tenants have been brought to an end, but this has been done, not by coercion, but by the landlords giving way. I can only say, in conclusion, that if the right hon. Gentleman were to devote one-tenth part of the labour he bestows upon defending these cases in the House of Commons, preparing the various implements of coercion and instructing his various agents in Ireland, to persuading the landlords to arbitrate in these disputes, he would in a very short time find all difficulties at an end and no further necessity for prosecutions under the Coercion Act.

(11.33.) The Committee divided:—Ayes 193; Noes 124.—(Div. List, No. 190.)

Resolution to be reported to-morrow.

Committee to sit again to-morrow.

SUPPLY—REPORT.

Resolutions [16th July] reported.

CIVIL SERVICE ESTIMATES, 1890-91.

CLASS III.

1. "That a sum, not exceeding £80,099, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for such of the Salaries and Expenses of the Supreme Court of Judicature and of certain other Legal Departments in Ireland, as are not charged on the Consolidated Fund.

2. "That a sum, not exceeding £80,687, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Salaries and Expenses of the Office of the Irish Land Commission.

3. "That a sum, not exceeding £66,117, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Salaries and Expenses of the Commissioner of Police, the Police Courts, and the Metropolitan Police Establishment of Dublin.

4. "That a sum, not exceeding £56,250, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Expenses of Reformatory and Industrial Schools in Ireland.

5. "That a sum, not exceeding £4,540, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Main-

tenance of Criminal Lunatics in the Dundrum Criminal Lunatic Asylum, Ireland."

Resolutions read a second time.

First Resolution agreed to.

Second Resolution postponed.

Motion made, and Question proposed, "That this House doth agree with the Committee in the Third Resolution."

(11.51.) MR. T. M. HEALY (Longford, N.): I have a few words to say on this Vote with reference to the treatment of Catholic policemen in the Dublin Metropolitan Police. I was able last year to speak in high terms of the Dublin Force. They are a most respectable body of men, who do their duty very fairly and satisfactorily, and in great contrast to the Royal Irish Constabulary. One reason for this is that the officers are all men drawn from the ranks, whereas, as a general rule, the officers of the Royal Irish Constabulary are all men of a different type. A very strong feeling, however, exists among the men of the Force that discrimination against the Catholics is practised in the matter of promotion. I have a very large number of documents giving instances of this discrimination. I do not intend at this hour to trouble the House with a long complaint on the subject, but I do wish the Catholic constables of Dublin to feel that we are not satisfied with the way they have been treated, and we wish Mr. Harrell to understand that a very strong feeling exists on the subject. I also wish him to understand that a very strong feeling exists among the men against proselytising ladies being allowed to go to the barracks and preach the doctrines of a Creed in which the majority of the Force do not believe. Some Catholic ladies are prevented from entering the barracks, and I am sure hon. Gentlemen from the North of Ireland would at once complain if ladies of Catholic religious orders were allowed into the barracks and Protestant officers were more or less brought into contact with them. Protestant ladies are, however, allowed in the barracks, and if they may not preach to them they can come and go amongst the Catholic men. More than that, it is believed by the Catholic policemen that promotion goes according to the amount of attention they pay to these evangelising ladies. It is most offensive that anybody should have to depend for his promotion upon the amount of bible reading he does. Such a system was introduced into the Post Office by Sir William Blackwood. I have already brought it to the notice of the Chief Secretary that a police sergeant named Chase so arranged the men's duties that Catholic officers could not attend mass upon the days when such attendance is obligatory. I could give a number of instances, but I will not mention names, for the reason that Mr. Harrell would be bound to say whether what is asserted is true or not, and he would know who the men concerned were. I do, however, trust that Mr. Harrell and the officers under him will understand that there is a feeling amongst the Catholic officers that they are unduly depressed, while those of the opposite religion are promoted.

(11.58.) MR. DILLON: I do not intend to trespass long on the attention of the House; indeed, I only rise for the purpose of pointing out to the right hon. Gentleman that the difference in the tone of Irish Members when speaking of the Dublin Police as compared with the character of their remarks on the Irish Constabulary is very significant. I do not know anything of the complaints of my hon. and learned Friend, but I do desire to say a word in recognition of the highly satisfactory manner in which Mr. Harrell, the Chief Commissioner of the Dublin Police, discharges his duties. Mr. Harrell was at one time Resident Magistrate in East Mayo, and a more honourable and just man I never met. Frequently Mr. Harrell exposed himself to danger in his anxiety for the safety of the people in troubled times. So highly was he respected by the Nationalists of East Mayo that when he left they presented him with a memorial of their regard. The promotion of Mr. Harrell is, indeed, the only honest promotion I have ever known the Irish Executive make.

(12.0.) MR. E. HARRINGTON: It has been remarked, and made matter of

complaint in the Dublin Metropolitan Police, that with or without the knowledge of Mr. Harrell a distinction is made in the treatment of the Catholic and Protestant members of the Force. If the former are observed to be in conversation while on duty they are liable to be reported, but if those ladies who take an interest in the religious young men of the latter class engage in talk for an hour with them there is no report for neglect of duty on the part of the men. I hope the remarks which have been made by my hon. and learned Friend, in which I agree, may not be taken as in any way a wish to introduce a religious controversy in this matter. We are far too much mixed up in our religious views to desire any thing of the kind, and are only anxious that all the members of the Force should be treated fairly. I have every respect for sincerity of convictions, but the greatest contempt for any system that permits fraud—for fraud it is to say that because men have attended this or that chapel they shall be patronised, have stripes on the arm, and be promoted over the heads of those who have beaten them in competitive examinations. I know that grievances of this kind have been brought to the notice of Dublin Members, and without wishing to raise any question as between Catholics and Protestants, and finding no fault with the men, I appeal to the Chief Secretary to address his attention to the matter.

(12.5.) MR. A. J. BALFOUR: I am sure all who know Mr. Harrell will agree with the opinions expressed by the hon. Member for East Mayo (Mr. Dillon). As to the specific complaints that have been made, all I can say is that I entirely concur in the opinion expressed. That promotion and favour should in any way be based on religious opinions would be destructive of discipline in any Force, and neither Mr. Harrell or any responsible officer would for a moment countenance such a policy as has been indicated and rightly condemned by the hon. and learned Member for Longford. Mr. Harrell will probably see a report of this discussion, or I will call his attention to it. I feel sure that Mr. Harrell is actuated by the desire to carry out the policy which Members on either side of whatever creed would wish to prevail in this Civic Force.

Question put, and agreed to.

Subsequent Resolutions agreed to.

Postponed Resolution to be considered to-morrow.

SCHOOL BOARDS ELECTIONS (SCOTLAND) [(VOTERS' QUALIFICATION) BILL.—(No. 370.)

SECOND READING.

Order for Second Reading read.

DR. CLARK (Caithness): May I ask the Lord Advocate whether, after hearing the views Scotch Members have expressed, there is any intention to proceed with this Bill?

THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): The opinions expressed by Scotch Members show that it will be impossible to proceed with the Bill, and I take the opportunity of saying this and moving that the Order be discharged.

Order for Second Reading read, and discharged.

Bill withdrawn.

EDUCATION OF BLIND AND DEAF-MUTE CHILDREN (SCOTLAND) BILL. [LORDS]—(No. 365.)

Bill read a second time, and committed for to-morrow.

PUBLIC TRUSTEE BILL [LORDS]. (No. 230.)

SECOND READING.

Order for Second Reading read.

*THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight): I think it right to state that we attach considerable importance to the Bill, and if the clauses to which exception has been taken could be carefully guarded there would be no objection to the Bill going forward. But we propose to take up the subject in conjunction with the Trust Companies Bill and refer it to a Select Committee, with the hope to carry it into legislation next Session.

SIR HORACE DAVEY (Stockton): On the understanding that the Trust Companies Bill will be referred to a Select Committee with this Bill next Session I am content the Order should be discharged.

Order for Second Reading read, and discharged.

Bill withdrawn.

PARTNERSHIP BILL [LORDS].—(No. 373.)

SECOND READING.

Order for Second Reading read.

SIR R. WEBSTER: I hope the House will assent to the Second Reading of this Bill. It has the approval of Lord Herschell and Lord Justice Lindley, who is master of the law on this subject, and, with the assistance of my hon. and learned Friend (Sir Horace Davey), I think I can, in Committee, satisfy any objections to this, which is a Consolidation Bill, though, if it should be thought desirable, it shall be referred to the Standing Committee on Law.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. BROOKE ROBINSON (Dudley): There is one clause objected to very strongly, the clause which gives power to a majority to bind the minority.

SIR HORACE DAVEY: I concur that it is desirable to pass the Bill. It was carefully considered last year by a Select Committee. With a view to amendment in Committee, I hope the Committee stage may be deferred for a week.

Objection taken (Mr. Caldwell).

Second Reading deferred till to-morrow.

CONSOLIDATED FUND (No. 2) BILL.

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 3.

Question proposed, "That the clause stand part of the Bill."

Colonel NOLAN moved "That the Chairman do report Progress, and ask leave to sit again;" but the Chairman, being of opinion that the Motion was an abuse of the Rules of the House, declined to propose the Question thereupon to the Committee.

Original Question put, and agreed to.

Bill reported, without Amendment; to be read the third time to-morrow.

PAUPER LUNATIC ASYLUMS (IRELAND) (OFFICERS' SUPERANNUATION) BILL.

(No. 358.)

Bill read the third time, and passed.

SALE OF INTOXICATING LIQUORS ON SUNDAY (WALES) ACT (1881) AMENDMENT BILL.—(No. 246.)

Order for Second Reading read, and discharged.

Bill withdrawn.

MERCHANT SHIPPING (LIFE SAVING APPLIANCES) RULES.

(12.20.) MR. MACARTNEY (Antrim, S.): I regret to have to trouble the House with a Motion at this hour, but the time within which I can call attention to this subject before these Rules become law is limited.

DR. TANNER: I object.

*MR. SPEAKER: Objection does not lie against the Motion, which is in pursuance of the Standing Order, the Rules remaining before the House a certain time for approval.

MR. MACARTNEY: As at present arranged, these Rules will very seriously affect the shipping interest and will have a specially injurious effect on the passenger traffic between England and Ireland. Last year Rules identical with these were made, but were not carried into effect, in consequence of the representations made. The objections are two, and the first relates to the regulations as to boats, the second to life belts and other appliances. In the first place, I contend that the provision for new boats is unnecessary, and, in the second place, if a vessel is equipped with boats according to the scale laid down the result will be illusory. I may illustrate this by reference to particular steamers running between this country and Ireland. Owing to the number of boats being made dependent upon the cubic measurement, a magnificent ship like the *Ireland*, which runs between Holyhead and Dublin and generally carries about 200 passengers, will have to carry six more boats than it now does, although it is a new vessel and fully equipped with six boats; whereas the *Mayo*, a smaller vessel, but one which sometimes carries 1,000 passengers, will only be required to have three boats altogether.

The objection to many boats is that they occupy deck space, and further, the crew will be insufficient to man so many boats. Objection is also taken to the rule that requires each ship to carry as many life-belts as passengers. The City of Dublin Steam Packet Company at harvest time carries about 8,000 men across to England in three nights. It would be most unreasonable to expect the company to have 8,000 life-belts for all these men. And, even if they were supplied they could not be used, as there is no place in which to stow them so that they might be at hand on an emergency. The circumstances of this passenger traffic are altogether different to those of the Transatlantic traffic, when each passenger has his berth, and these rules, as applied to the passenger traffic between England and Ireland, will be impracticable and will press very hardly an those engaged in it. The Board of Trade Rules now in existence give the Board a discretionary power as to life-saving belts, and no lives have been lost, so far as I am aware, which would have been saved by these new rules. Those who are engaged in this trade ask either that the Board of Trade should continue to exercise the discretionary power they now have with regard to certifying vessels, or that, before these rules are put into force, they should be referred to a Select Committee, so that the evidence of the traders may be taken on the subject. The Committee by whom these rules were drawn up contained no representative of that class of the mercantile shipping community which is engaged in the coasting trade. They had no opportunity of pointing out how difficult—how absolutely impossible it would be to utilise these rules as the Board of Trade and the public would like to see them utilised, and they are confident that if they had an opportunity of demonstrating to a Committee the reasonable requirements of the case their views would be at once acceded to. The Amendments I have placed on the Paper suggest that the number of life-belts in each vessel should be in proportion to the tonnage, and I have placed the proportion at 10 to every 100 tons. That is not a number I should be disposed to adhere to if any larger number were desired, but the shipping community consider that the number I suggest would meet all the requirements of the case. They do not for a moment desire to stand in the way of any reasonable protection of life on board these ships, but they contend that these rules, if they were rigidly carried out, would do more to endanger life than to protect it. Further, they say that the rules could not be carried out on board coasting vessels. If the Board of Trade insist on working the Rules as they now stand the result will be that the City of Dublin Steam Packet Company and other companies engaged in carrying harvestmen to England will have to alter their present arrangements, and the men will have to cross the Irish Channel in the old slow way, instead of being brought over rapidly in large bodies. For these reasons, I hope the President of the Board of Trade will consider favourably the suggestions which have been made in the Amendments on the Paper. They have, I can assure him, been put down not with any desire to deprive the public of reasonable and proper safeguards while crossing the Channel, but because, in the opinion of those who have drawn them up, they are really the only practical suggestions that can be made.

Motion made, and Question proposed,

"That it is expedient that the Rules be amended, by adding at the end of Class 2 (a), of Division A, the words, 'Provided that where in existing ships the boats are in good order and of sufficient capacity they shall not be required to be altered under this section.'" —(*Mr. Macartney.*)

*(12.30.) THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): I will endeavour to consult the convenience of the House by making my remarks as brief as possible. This is really not a matter for the decision of the Board of Trade. Let me remind the House of the history of this subject. In 1887 a Committee of the House sat, which recommended that such precautions should be taken for saving life at sea as might be deemed necessary by a Committee representing the various interests involved. Accordingly, in pursuance of the provisions of the Act of 1888, a Committee of 14 members, presided over by Mr. Ismay, of Liverpool, and including five representatives of the shipowners, was

appointed in 1888. In fact, all shipping interests were represented. [Mr. MACARTNEY: Not the coasting trade.] The committee drew up certain rules with a view to the saving of life at sea, to be observed on the different classes of ships. Objection was taken to these rules last year, when they were laid on the Table, by the coasting trade, upon whose behalf the hon. Member now speaks. I therefore thought it right to suspend their operation so that the representatives of that trade might have an opportunity of being heard. The representatives of this trade placed their case fully before the Committee in the early part of last spring, and the rules were, to some extent, modified. They are now laid on the Table, and I do not feel disposed to take the responsibility of altering the recommendations of a Committee constituted in that way. The matter was one of great technical difficulty and of the gravest importance to the saving of life at sea, and I should be sorry if the House rejected the recommendation of the Committee. There is a clause which provides that no ship shall be called on to carry more boats and rafts than are sufficient for the accommodation of all the persons on board. The sole objection to these rules is on the part of a few interested traders, who object to some extra expense which will be thrown on them. As to the Irish harvest men, to whom reference has been made, their lives are as valuable as the lives of anyone else, and in their interest, as well as in the interest of all who go to sea, I hope that these rules will not be altered.

(12.36.) MR. MARJORIBANKS (Berwick): I think the words which have fallen from the President of the Board of Trade show that this Debate may take the form of a general discussion on these rules. I will, therefore, take this opportunity of pointing out a grave omission in the rules, namely, that there is no provision in them with regard to life-saving appliances on board fishing boats.

*SIR M. HICKS BEACH: They were excluded from the Act.

MR. MARJORIBANKS: The right hon. Gentleman will admit that on no class of vessels is there so great a loss of life or so many accidents as on fishing boats, which, as a rule, are undecked and have no protecting side rails. I do take this opportunity of impressing on the right hon. Gentleman the desirability of doing something in the interests of fishermen.

(12.38.) COLONEL NOLAN (Galway, N.): I should like to point out that, as a rule, the people who go out in fishing boats are the owners and their sons, and they ought to be consulted before any fresh regulations are made affecting them. Passengers, however, stand on an entirely different footing. Thence the justification for these rules.

(12.39.) DR. TANNER: I only wish to say that really the hon. Member who proposed this Amendment should seriously consider before he adduces such absurd arguments.

MR. MACARTNEY: I shall not, of course, put the House to the trouble of a Division, but I wish to say that the representations I have made did not proceed from one Irish company, but from a number of companies. I am, moreover, bound to say that I think the reflections the right hon. Gentleman has made on one of the leading commercial firms in Dublin, who have done much to improve the steam service between Ireland and England, were somewhat uncalled for. I regret the Board of Trade cannot see their way to making these rules more practicable, because if they are put in operation much of this passenger traffic will be diverted, and the harvestmen will have to find their way to England as best they can, for the companies cannot afford to carry them at a loss.

Motion, by leave, withdrawn.

INFECTIOUS DISEASE (PREVENTION) BILL.—(No. 210.)

Lords Amendments to be considered upon Monday next, and to be printed. [Bill 390.]

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, 18th July, 1890.

REGISTRATION OF VOTERS (BOROUGH OF BELFAST) BILL.—(No. 91.)

Returned from the Commons with the Amendment agreed to, with an Amendment.

ARMY DISCIPLINE IN INDIA.

QUESTION—OBSERVATIONS.

LORD STANLEY OF ALDERLEY, in rising to ask the Secretary of State for India what measures the Indian Government has taken to improve the discipline of the regiments recently quartered at Dum Dum; and what compensation it has made to the widow of the man shot by one of four soldiers who went out of barracks without leave on the night of the 6th November last; also to ask the Secretary of State for India if he will take steps to provide temperance canteens for all barracks and European military quarters in India as accessible to the soldiers as the canteens for intoxicating liquors, said:—My Lords, the effects of discipline at the Dum Dum barracks to which I have called the attention of the Secretary of State for India consist, in the first place, in the existence of too great facilities for the soldiers getting out of barracks at all hours of the night; and, secondly, for obtaining ball cartridge and regimental rifles when off duty. Taking advantage of this culpable laxity three soldiers of the Leinster Regiment, named O'Hara, Bellew, and M'Dermot, and a soldier of the Buffs, named Goldsborough, agreed to go out on the night of November 6 last pig shooting. They left the barracks about 11 o'clock p.m. with two rifles and 10 or 11 rounds of ball cartridge, as stated by one of the witnesses, and the number of empty and unused cartridges picked up in their tracks amounted to that number. These cartridges were obtained by the soldiers of the Leinster Regiment. They were able to leave the barracks unobserved. It appears there were only two sentries—one at the Guard Room and the other at the Quarter-Master's stores, and the Dum Dum barracks are not surrounded by any enclosure or spiked railing. It has also been stated there was inefficiency or irregularity in the matter of roll calls and check rolls at Dum Dum. These statements have been contradicted in the Press, but if the statements are well founded they will prove that further precautions are necessary for the maintenance of discipline. The four soldiers having left barracks proceeded to a village near Dum Dum. They visited two or three houses or huts, knocked up the inmates, and forced them to give them toddy. They then broke into a dispensary and stole a bottle of Eno's fruit salt, but unfortunately they did not drink it at a time when it might have sobered them, and thus prevented the crime which was afterwards committed. They then came to the house of one Sheikh Salim, and found him asleep in his verandah. O'Hara, as was stated at the trial, dragged Salim out by the arm, took him away to a pond near his house, pushed him in, and then knelt down and deliberately fired at him. The man threw up his arms and screamed, and the four soldiers then left him. The wounded man was, however, taken home, but he died before dawn. The bullet, it was found, went in at his right collar-bone and came out at his left side, and passed through his left arm. The four soldiers then amused themselves by firing shots at bottles or jugs suspended from a tree, and then returned to barracks, one on foot and the other three in a country cart, in which they had compelled a man to give them a lift. The authors of this crime remained undiscovered for a month. Then the Magistrate promised a pardon to anyone concerned in the crime, who was not the actual murderer, who would give evidence, and Goldsborough and M'Dermot then gave information against O'Hara and Bellew. On April 14 O'Hara and Bellew were put on their trial before Mr. Justice Norris. Bellew was in the course of the trial discharged, and O'Hara was found guilty and sentenced to death. The High Court of Calcutta was, however, set in motion to inquire into the sentence, with the result that the conviction was quashed, on the ground that Goldsborough, the witness, was also an accomplice, and that parts of his evidence

were of no avail—not having been corroborated. O'Hara was discharged from the Army, and accordingly went away scot-free. This was unfortunate, because the day before O'Hara was tried another man, a shopkeeper, was tried by the same Judge, Mr. Justice Norris, for having killed a doorkeeper in Calcutta, who had given him no offence, by running him through the lungs with the sword of a sword-stick, and he died almost immediately. For this unprovoked murder he was sentenced to one year's imprisonment. Now, I think, my Lords, it is for the Secretary of State for India to consider what effect this disregard for their lives must have upon the natives of India. Nor are these the only cases which have occurred recently? There have been two or three other cases of natives of India in the North-West who have been injured by soldiers with almost equal impunity. It may also be asked why these four soldiers were not put on their trial by Court Martial for the military offence of breaking barracks and appropriating Government ammunition. This was purely a military offence and had nothing to do with the murder, so that the maxim *non bis in idem* would not apply in that case. It has also been stated that the decision of the High Court of Calcutta was not altogether correct with regard to the evidence of the man Goldsborough, because the witness was not necessarily an accomplice, since they all went out on the spree, not with the object of committing murder. Of course, if they had gone out on an expedition to commit burglary then he would have been an accomplice in the crime which afterwards occurred, because burglary necessarily may lead to murder. I will now come to the question which I have put on the Notice Paper with regard to what compensation is intended to be made to the widow and child of Sheikh Salim, whose death was caused by these soldiers and who had been begging since his murder. This marauding expedition in search of toddy was not the first subject of complaint against soldiers of the Leinster Regiment. The jury who tried O'Hara made a subscription among themselves for the relief of the widow, and Mr. Justice Norris commented very severely upon the fact of Sheikh Salim's widow and child having been left without any means of support. One reason, in fact, why the Judge did not inflict a heavier sentence on the man who had run the other native through with his sword-stick was because the firm who employed him had made some compensation to the widow. I now come to the last question on the Notice Paper, and I hope my noble Friend the Secretary of State will be able to state that he has come to some decision upon the question of promoting temperance in the Army of India by establishing temperance canteens in places as accessible to the soldiers as the other canteens. The tragedy at Dum Dum has emphasised the necessity of such a reform. This marauding expedition was hatched in the canteen. Mischief constantly occurs from the soldiers going to the canteens and quarrelling with one another when they begin drinking. On grounds of economy alone the Indian Administration is bound to provide temperance canteens, and to do its utmost to check the drinking of spirits — for the purpose of diminishing the number of soldiers who from that cause primarily have to be invalided home. I believe Sir Frederick Roberts has made some reforms of that kind with regard to the Madras Army, and if that is the case, I hope the Secretary of State will be able to say what he has done in the matter. The noble Viscount will remember that two years ago a plan was published of an Indian Camp comprising a temperance canteen; but I think that must have been a private missionary canteen, for it was relegated to the further end of the camp, while its alcoholic competitor was in the centre. Spirit drinking in the tropics ought to be discouraged in every way possible, and Government ought to provide means for enabling soldiers to be more careful of their health. Not only is it necessary in the tropics; Lord Wolseley said that in his Red River Expedition the soldiers had no spirits, but, though they were constantly wet and had to endure great fatigue, there was no sickness amongst them, and no discontent. This question of temperance canteens has a direct bearing on the murders I have described; but I do not wish to withdraw the attention of the Secretary of State from the want of discipline manifested in the circumstances attending the fatal case of this man who was

shot by these soldiers. I will make a formal Motion for Papers, because it would be of no use bringing the matter forward if my noble Friend is unwilling to grant them; and I will ask him, therefore, as soon as he receives any reply from the Indian Government, to lay it on the Table of the House.

*THE SECRETARY OF STATE FOR INDIA (Viscount CROSS): With regard to the breach of discipline in the particular regiments to which my noble Friend has alluded, I am afraid I cannot give him any information to-day; but in consequence of a question which was asked by Sir George Campbell in the other House some time ago, I called for a full Report of the circumstances to which my noble Friend has alluded; but there has not yet been received an answer from the Government of India. For the same reason I am unable to say whether any compensation has been given to the widow of the person who was unfortunately killed on that night. With regard to the last question of the noble Lord, I can give him a much more satisfactory answer, for we have long ago anticipated all he desires. There are now temperance canteens in all corps and batteries in India; they form part of the regimental institutes. The rules for temperance canteens are applicable to all India, and in those rules the use or issue of spirits is discouraged, and every facility given for the use of non-intoxicating drinks. The subject is one which is receiving the constant attention of the Government of India. I have no Papers from the Government of India, and until we receive them it is impossible to say anything about them.

PAUPER LUNATIC ASYLUMS (IRELAND) (OFFICERS' SUPERANNUATION) BILL.

Brought from the Commons; Read 1ª; to be printed; and to be read 2ª on Monday next.—(*The Lord de Ros.*) (No. 209.)

LIGHT RAILWAYS (IRELAND) AMENDMENT BILL.—(No. 60.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF LEITRIM: In moving the Second Reading of this Bill I shall trouble your Lordships with very few remarks. The 2nd clause is the principal clause in the Bill, and it has reference to any surplus which may arise from the free grant from Government. A surplus may arise in two ways, either through indifference or by design. It may arise through a contract being taken for a smaller amount than the Board of Works may have estimated. That has been the case in reference to railways which have been partly guaranteed, notably one railway in the County Leitrim, in which the Railway Company were able to construct their line within the amount estimated by their own contractors, and £10,000 under the capital expenditure estimated by the Board of Works. Therefore, in that case undoubtedly a surplus would have arisen. Then, again, it may arise by design. It may arise through the Treasury deliberately arranging that in certain cases a surplus shall be at the disposal of certain Railway Companies; for instance, arranging to subsidise, as it were, its working expenses. At the present moment these light railways running through congested districts are all upon the same footing. If this Bill were to become law, the Treasury would be able to judge between one and another as to which it would be the more desirable to assist in the matter of working expenses. My Lords, there are, I believe, technical difficulties in the way of this Bill, so that, practically, it cannot be read a second time. It is a Money Bill, and therefore, I believe, cannot be read a second time in your Lordships' House without having passed the House of Commons; but I wish to point out to the Government the advantages which, it seems to me, would arise if this Bill were passed. I should mention that in Clause 6 there is a printer's error in the drafting: it should read, "in case the limited owner of any property or land," instead of "absolute owner." That would enable limited owners to give free grants in these cases. That would be a reasonable and proper thing to do; of course, it would not be compulsory, and I do not think Trustees of an estate could reasonably object to a limited owner giving free grants of lands where there was a free grant on the part of the nation towards the construction of railways through his property. Again, therefore, from that point of view it seems to me desirable.

Moved, "That the Bill be now read 2ª."—(*The Earl of Leitrim.*)

THE LORD PRIVY SEAL (Earl CADOGAN): My noble Friend has already pointed out the technical difficulty which exists with regard to this Bill, namely, that it is a Bill almost entirely proposing to deal with the surplus monies that may be derived from a free grant made by Parliament. I need hardly remind your Lordships that such free grant will be made under the authority of the other House, and, therefore, it is impossible that the noble Lord should be able to pass through your Lordships' House a Bill proposing to deal with a surplus before the surplus has arisen. Under those circumstances, though I was prepared to point out to my noble Friend various objections which we entertain to the Bill, it is hardly necessary for me to do so; and I would ask him not to press it, as he himself seems to see the objection.

Motion (by leave of the House) withdrawn: Then Bill (by leave of the House) withdrawn.

WESTERN AUSTRALIA CONSTITUTION BILL.—(No. 184.)

Read 3ª (according to order), and passed.

INTESTATES ESTATES BILL. (No. 148.)

Read 3ª (according to order) with the amendment, and passed, and returned to the Commons.

LOCAL GOVERNMENT ACTS OF ENGLAND AND SCOTLAND REPEAL BILL. (No. 156.)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD DENMAN: My Lords, I hope to explain to your lordships before I sit down that my Bill is neither audacious nor impertinent. There were amendments on the part of three noble Lords. On the 15th May, the noble Earl Lord Carnarvon pointed out the great anomaly existing, and it has been stated on high authority that the majority of your Lordships' House are in favour of the measure. This measure has reference to County Government. A most salutary regulation was passed in the Hallamshire County Council, that no member of that body should speak for more than 10 minutes; and as there are 30 members, instead of the 65 comprising Road Trustees and other Authorities, their meetings would only have occupied five hours supposing every member of the Council wished to speak. I venture to mention that fact, and I hope your Lordships will have regard to it in considering the time to be devoted to speeches. I have no wish to say anything in disparagement of the County Councils, though I do not think you will find in their working during the three years since their commencement any improvement on the old system; but that is merely matter of opinion. I merely address your Lordships in the hope that what is useful may be adopted, and that whatever is faulty may be remedied.

Moved, "That the Bill be now read 2ª." (*The Lord Denman.*)

*THE PAYMASTER GENERAL (The Earl of JERSEY): I am sorry the noble Lord has thought it necessary to introduce another Bill upon this subject. This is obviously neither the time nor the occasion for a discussion on the Local Government Acts which have been so recently passed. I will not delay your Lordships, therefore, by criticising either the Preamble or the clauses of this Bill, but move at once that it be read this day three months.

Amendment moved to leave out ("now") and add at the end of the Motion ("this day three months.")—(*The Earl of Jersey.*)

On question whether ("now") shall stand part of the Motion, resolved in the negative; and Bill to be read 2ª this day three months.

LIGHT RAILWAYS (IRELAND).

THE EARL OF LEITRIM, in rising to move—

"That there be laid before this House Returns of the receipts from goods and passenger traffic, &c.; also, of the working expenditure, net receipts, and rolling stock, of the Irish Light Railways."

said: My Lords, the object of my making this Motion is to enable ratepayers to arrive at some idea of what has already been done in the way of opening out the country by Light Railways by showing what the traffic receipts and working expenses on the one hand and the net receipts on the other will be likely to be of the lines which are proposed to be opened in the congested districts.

Moved, "That there be laid before this House Returns, as under, of the receipts from goods and passenger traffic, &c.; also, of the working expenditure, net receipts, and rolling stock, of the Irish Light Railways."

RECEIPTS FROM GOODS AND PASSENGER TRAFFIC, &c., ON IRISH LIGHT RAILWAYS.

Year.	Length of Line open.	Passenger Traffic.					Goods Traffic.		No. of Miles travelled by Trains.		
		No. of Passengers conveyed.				Holders of Season Tickets.	Minerals.	General Merchandise	Passenger Trains.	Goods and Mineral Trains	Total.
		1st Class.	2nd Class.	3rd Class.	Total.						
1887											
1888											
1889											

Receipts (Gross) from Passenger Traffic.							Receipts (Gross) from Goods Traffic.				Miscellaneous Rents, Tolls, &c.	Total Receipts from all sources.	Receipt per Mile of Line open.	Year
Receipts from Passengers.					Excess Luggage, Parcels, Carriages, Horses, &c.	Mails.	Total Passenger Traffic Receipts.	Merchandise.	Live Stock.	Minerals	Total.				
1st Class.	2nd Class.	3rd Class.	Season.	Total.											
														1887
														1888
														1889

WORKING EXPENDITURE, NET RECEIPTS, AND ROLLING STOCK OF IRISH LIGHT RAILWAYS.

Year.	Length of Line open	Maintenance of Way, Works, &c.	Locomotive Power (including Stationary Engines).	Repairs and Renewals of Carriages and Waggons.	Traffic Expenses (Coaching and Merchandise.)	General Charges.	Rates and Taxes.	Compensation for Damage and Loss of Goods.	Miscellaneous.	Total
1887										
1888										
1889										

Total Receipts.	Net Receipts.	Proportion per Cent.	Rolling Stock.						Working Expenditure per Mile of Line open.	Year
			Locomotives.	Carriages, Waggons, Trucks, &c.						
				Carriages.	Other Passenger Train Vehicles.	Waggons (all Kinds).	Any other Vehicles.	Total Number of Vehicles.		
										1887
										1888
										1889

—(The Lord Clements [*E. Leitrim*].)

*THE SECRETARY TO THE BOARD OF TRADE (Lord BALFOUR of BURLEIGH) : My Lords, exactly as the Motion stands I am afraid I am not prepared to assent to it, because there is an ambiguity in the expression "Light Railways." That term is used in the Act only as regards one particular kind of railway, as I understand it ; but there are other railways which are really, in fact, light railways, although not technically so, and it would not be possible for the Board of Trade to distinguish one class of railways from another without some intimation from the noble Lord as to what railways he refers to. The Board of Trade Returns already give the particulars asked for as regards all railways, and I would refer the noble Lord to the Parliamentary Paper No. 5,859 for last year. The Returns for the present year are in course of preparation, and will be issued in a very few days ; but if the noble Lord will confer with me at the Board of Trade as to what class he means by the term light railways I shall be glad to do what I can to give him the information he asks for. At the same time, as in its present form, as put before your Lordships' House, I cannot assent to the Motion, I hope he will not press it.

THE EARL OF LEITRIM : That is quite satisfactory, and I will withdraw the Motion.

Motion (by leave of the House) withdrawn.

BOILER EXPLOSIONS ACT, 1882, AMENDMENT BILL.—(No. 164.)

Read 3ª (according to order), with the amendments, and passed, and returned to the Commons.

SHREWSBURY AND HOLYHEAD ROAD (ANGLESEY AND CARNARVON) BILL.

Read 1ª, and to be printed. (No. 210.)

House adjourned at Five o'clock, to Monday next, a quarter before Eleven o'clock.

HOUSE OF COMMONS,

Friday, 18th July, 1890.

PRIVATE BUSINESS.

MARTIN'S NATURALISATION BILL [LORDS]. (*By Order.*)

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

(3.10.) MR. BRADLAUGH (Northampton): I am sure the House is much indebted to the right hon. Gentleman the Chairman of Committees for having drawn attention to this Bill, and I think that, whatever opinion the House may now have as to allowing this and the next Bill to pass, we ought to hear from the Home Secretary that the House will not be troubled with Bills of the same character in future. It is a Private Bill which asks the House to do that which can be done easily enough under the general law. There is this peculiarity in the Bill as distinguished from that which succeeds it, that there is no reason assigned in the preamble as to why the measure should be passed. The Chairman of Committees was, however, good enough to tell us that he has ascertained that a lady desires to obtain this Naturalisation Act because she wants to dispose of certain property. Now, if that is the reason why the lady wants this Bill, she certainly ought not to have it, and I will show the House what the position of things is. Until the Naturalisation Act of 1870 was passed, the state of the law was—I will not say in a complicated condition—but governed by a number of Statutes and by the Common Law, chiefly deduced from Calvin's case reported in Coke's Reports. The Act of 1870 gave greater facilities for naturalisation than had previously existed, and by the 2nd section it gave power to aliens to hold real and personal property of every description in the same manner as a natural born subject, and to make a disposition of it, so that it might pass by succession, and so on, extending the previous Statutes which imposed limitations upon the holding of real property. Therefore, Madame Martin does not need this Bill at all in order that she may be enabled to make a good will. She does not even need a certificate of naturalisation, so that if that be her real and only reason she must have been deceived by her legal advisers, and put to enormous expense in coming to this House for an enactment, all of which might have been spared. I wish, however, to point out that there may be a difficulty connected with the matter in which this House ought not to help Madame Martin. Suppose, instead of the enfranchisement sought by the Bill applying only to property within Great Britain, that it is intended to apply to property abroad, the effect of this Bill might be most prejudicial. I believe I am right in saying that Madame Martin has children, and children who have attained their majority. It may be that she has property in Spain, which property is governed by Spanish law, and that in promoting this Bill she is seeking to escape from the consequences of Spanish law, and may be doing an injustice to persons who would under other circumstances be entitled to impeach the testamentary disposition of the property. There is this further difficulty: Under the Naturalisation Act of 1870, the consequences following a certificate of naturalisation are very clear. The old law, which obtains still, is that which is laid down in Coke's chapter on villeinage, Section 198, but when the present Bill is passed it will have a retrospective effect, governing the whole of the property acquired prior to the enactment, and might enable this lady—although I do not suggest that it does—to be the means whereby her children might be able to perpetrate a legal fraud

upon other persons entitled to claim the property. At the same time, although I think this is a Bill which ought to have been opposed at an earlier stage, I do not think it is right, seeing the great expense which has been incurred, to throw out the measure now. I am quite prepared to admit that I should not have noticed the nature of its provisions at all if it had not been for the observations of the Chairman of Committees in calling attention to the matter; but I think there ought to be an expression of opinion on the part of this House, either by Resolution or by an express declaration from the Government, that no exemption from the Act of 1870 shall be made, specially in the case of rich persons. That Act is broader than any Naturalisation Act that ever existed in this country before, and the 7th section gives to the person who is naturalised all political and other rights, powers, and privileges that would accrue if he were a natural born British subject. In the second case—Pohl's Naturalisation Bill—the petitioner tells us very frankly that he wishes to enter into a stock-broking partnership, and the contention is that before he can do so he must be naturalised. I say that it is beneath the dignity of this House in such cases as these to be called upon to pass special Acts simply for the purpose of enabling a lady to dispose of her property, or to enable a gentleman to become a stock-broker. If the House has been made acquainted with the whole truth, Madame Martin will gain nothing by this Act, but if there are property considerations in Spain behind, of which the House knows nothing, a grievous injustice may be done by passing this Bill.

*(3.20.) SIR A. ROLLIT (Islington, S.): The hon. Member has gone very fully, and, as he always does, very fairly into the case before the House. I agree with him that the House is greatly indebted to the Chairman of Committees for having brought the circumstances under the notice of the House. If I remember rightly the right hon. Gentleman's Report was presented in pursuance of the Standing Orders which give leave to the Chairman of Committees to make a communication to the House in such circumstances. Now, these Bills have also been introduced in compliance with Standing Orders, for, notwithstanding the general law, these Standing Orders still exist. I think that fact should be regarded as an acquiescence in the right of a suppliant to initiate such proceedings for the purpose of obtaining naturalisation. If that be so, then I think that if any change is to be made in our procedure we ought, in the first instance, to re-consider the Standing Orders. The hon. Member for Northampton (Mr. Bradlaugh) has, however, fairly put the real gist of the matter before the House when he says that it is inexpedient at this stage of a Private Bill, which has already passed through another House, and has entailed considerable cost, to reject the measure. The hon. Member has referred to matters in connection with the disposition of property which do no exist in this case.

*MR. BRADLAUGH: I simply put them to the House as hypotheses in reference to questions of which the House might purposely have been kept in ignorance, and in regard to which we ought not to legislate.

*SIR A. ROLLIT: There are no such circumstances in the present case. This branch of the law is an extremely intricate one, and the legal advisers of Madame Martin no doubt consider that they were justified in advising that lady to proceed by way of special enactment. No legal gentlemen would advise a client to incur unnecessarily the large expense of bringing into Parliament a Bill of this nature, and we may assume that good reasons for that course probably exist.

*MR. BRADLAUGH: If there are such reasons, I think it is the duty of the House not to pass the Bill, because they could only be reasons affecting the disposition of the property.

*SIR A. ROLLIT: I cannot say whether there are or are not such reasons, but if there is any assumption to be made it is that the suppliant in this case has been properly advised. I hope that the Bill will be allowed to pass now that it has reached the final stage, and the heavy expense of its promotion has been incurred.

*SIR R. FOWLER (London): I have had some representations made to me in regard to the next Bill to which the hon. Member has alluded, after it has been carefully considered in another

place, and I think it would be a great hardship to reject the measure. I must, therefore, express a hope that in the circumstances the Bill will be allowed to pass the Third Reading.

(3.26.) THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): I do not think the House will be induced to give up the powers it possesses of naturalising foreigners on the spot and without delay. The Act of 1870 was passed rather to lay down a general rule of naturalisation than to prevent special and exceptional cases being dealt with by special Acts. At the same time, I fully agree with the hon. Member for Northampton that special Naturalisation Bills should not be brought before the House simply for personal reasons or desires, such as in the case in question. I believe that in the case of Madame Martin she married a Frenchman.

*MR. BRADLAUGH: No, a Spaniard by birth.

MR. COURTNEY (Cornwall, Bodmin): Who was subsequently naturalised as a Frenchman.

MR. MATTHEWS: Whether he was a Spaniard or a Frenchman is immaterial. She desires to become naturalised, and I see no ground of objection, although I agree that she might get all she wants by becoming domiciled.

*MR. BRADLAUGH: I have pointed out that one evil is the retrospective effect of the Bill. Injury might be done by a Bill of this kind to persons who have now legal rights and who have had no opportunity of being heard.

MR. MATTHEWS: I can hardly see how that question can arise. It is true that the distribution of property in this country would be affected, but the English law would apply.

*MR. BRADLAUGH: What I want is a declaration from the Government as to the practice of introducing these Bills.

MR. MATTHEWS: Then I will not pursue the matter further. I can assure the hon. Member that the matter shall not be lost sight of by the Government. In the circumstances, however, it would be proper that the House should pass this Bill.

MR. COURTNEY: I have no right to address the House again, but I hope I may be allowed to say that I dissent from the suggestion of the hon. Member for South Islington (Sir A. Rollit) to alter or re-consider the Standing Orders in regard to such Bills. It may be understood from what has fallen from the Home Secretary that these exceptions to the general law should not be made for purposes of private convenience, and probably that expression of opinion will meet the case.

Question put, and agreed to.

QUESTIONS.

IRELAND—ORANGE ATTACK ON CATHOLIC EXCURSIONISTS.

MR. BLANE (Armagh, S.): I beg to ask the Attorney General for Ireland if he is aware that on Sunday, 6th July, a number of Catholic excursionists from Portadown and Armagh, returning from the yearly trip to Lough Neagh, were stoned by an Orange mob at Clonmacate and Cloncore, six miles from Portadown, and that Stephen M'Guigan, senior, and Stephen M'Guigan, junior, were also attacked, and threatened with death; and if the Authorities will take steps to prevent such attacks on excursionists as are alleged to have taken place?

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): I must ask the hon. Gentleman to postpone the question, as I have not got the information that will enable me to answer it.

MAGISTERIAL PROCEEDINGS IN GALWAY.

MR. SHEEHY (Galway, S.): I beg to ask the Attorney General for Ireland whether he is aware that in a case tried at Kenvara, County Galway, on the 9th instant, a little boy of about 12 years of age was sentenced by Mr. Mayne, R.M., to a month's imprisonment for knocking down the fence of a farm from which his father had been evicted; whether he is also aware that the Magistrate postponed signing the committal warrant for one month, to see if the fence was again interfered with, and declared that if even the present holder of the farm, a man named Fahy, knocked down the fence, he (the Magistrate) would sign the committal warrant of this child; and whether this proceeding by the Magistrate is legal?

MR. MADDEN: I am informed that the present tenant of the evicted farm referred to has received constant annoyance and considerable loss by reason of the farm walls being maliciously knocked down, and his sheep, in consequence, permitted to stray. The evicted tenant's son, who is represented as being apparently between 12 and 14 years of age, having been found, after a previous caution, in the act of pulling down the walls was proceeded against. The facts are not accurately represented in the second paragraph. There was, as a matter of fact, no committal warrant prepared, nor did the Magistrate make the declaration alleged. The Resident Magistrate did out of consideration for the defendant's age, and as it appeared that he was merely the instrument of others much older than himself, hesitate to send him to prison, and he accordingly adjourned the case, intimating that, if the walls were again interfered with, the adjourned charge would be again gone into.

"MOONLIGHTING" BY A POLICE CONSTABLE.

DR. TANNER (Cork Co., Mid): I beg to ask the Attorney General for Ireland whether it is true that Constable Palmer, who was tried in his absence and convicted of moonlighting at Tipperary, has escaped from justice; and can he explain how it happened that, although Palmer was examined and recognised by the Constabulary detectives at Queenstown, who were acquainted both with his crime and subsequent desertion, he was permitted to leave by the Guion liner *Arizona* for New York, on Saturday, the 5th July?

MR. MADDEN: The Constabulary Authorities report that it is the case that the constable, who was convicted of having maliciously smashed some windows and of committing an assault, has absconded, but that it is not the case that he was recognised by the police at Queenstown as Constable Palmer. Immediately upon his desertion being discovered a warrant was obtained for his arrest, and every effort made to execute it.

MR. DILLON (Mayo, E.): May I ask whether a Nationalist who committed such an offence would not be arrested at once?

MR. MADDEN: I must explain that the constable could not have been arrested before a warrant was issued.

MR. DILLON: Was not the constable caught red-handed in the commission of a felony, and could he not have been arrested then and there?

MR. MADDEN: The man was summoned by the person aggrieved. No warrant having been issued for his arrest, it was absolutely out of the power of the police to detain him. The man absconded, and a warrant was then at once obtained, and every step taken to prevent his escape.

MR. DILLON: Was the man summoned by the person aggrieved only because the Executive did not do their duty in the first instance? If the offender had been an ordinary civilian, and not a constable, would he not have been arrested at once and prosecuted by the Crown Prosecutor?

MR. MADDEN: What the prisoner did was to break the windows of a house. I am not informed that the offence was committed in the sight of, or with the knowledge of, the police. Proceedings were taken in the ordinary way by summons, and no warrant was applied for until the man absconded.

MR. W. O'BRIEN (Cork Co., N.E.): Does the right hon. Gentleman really intend the House to believe that if this had been a case of moonlighting by an ordinary person the Executive would have left it to the person aggrieved to prosecute?

MR. MADDEN: I cannot answer a hypothetical question of that kind. The remedy open to the aggrieved person in this case was taken.

MR. DILLON: I beg to give notice that I will put further questions on the subject on Monday.

LAND COMMISSION—MR. COMMISSIONER WRENCH.

DR. TANNER: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, at the recent sitting of the Land Commission in Cork on the 3rd instant, Mr. Commissioner Wrench is correctly reported to have said, while hearing a fair rent appeal in the case of M'Grath, tenant, and Bullen landlord, addressing the tenant—

"You are a very wise man to get your grass seeds from England. If more tenants did that

they would get better grass. It will pay you well to get your seeds from England;"

and whether intimation will be conveyed to Mr. Wrench, that language such as that quoted is likely to do great mischief to the Irish seed trade?

MR. MADDEN: I must ask the hon. Gentleman to postpone the question.

DR. TANNER: The question is an important one, and I will put it down for Monday.

IRISH REGISTRY OF DEEDS OFFICE.

MR. M. HEALY (Cork): I beg to ask the Secretary to the Treasury if it is the case that the annual leave of the staff in the Irish Registry of Deeds Office was last year curtailed by from five to nine days; and whether this year the leave of the staff has not yet commenced?

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): I believe that the facts are as stated in the first paragraph of the question. They will be borne in mind.

MR. T. M. HEALY (Longford, N.): Is not this the staff which the right hon. Gentleman wanted to cut down?

MR. JACKSON: No, Sir.

THE BARONY CONSTABLE OF KERRY.

MR. KILBRIDE (Kerry, S.): I beg to ask the Attorney General for Ireland whether he is aware that during the term of office of Arthur Hutchins, late of Roughty, Kenmare, who was for some years Barony Constable in Kerry, there was considerable defalcations in connection with the collection of the County Cess; if so, what was the amount of the defalcations; who were his sureties, and for what amount; and what steps have the Grand Jury taken to recover the amount?

MR. MADDEN: The matter in question is not one in any way under the control of the Government. But the Secretary to the Grand Jury states that the entire amount of County Cess due by Mr. Hutchins at the time he ceased to be collector was £2,484 5s., of which, however, it was stated that a portion had not been collected. Messrs. H. Stokes and T. Bateman were his sureties in bonds of £2,500 and £4,000, and proceedings, by direction of the Grand Jury, under the advice of counsel, were immediately instituted against them. These proceedings have not yet reached a successful issue, but, in the opinion of their legal advisers, there is no doubt that the amount of the default will be recovered.

MR. KILBRIDE: What is the nature of the proceedings? A considerable period of time has now elapsed since the money became due—three or four years, I believe.

MR. MADDEN: The matter is one which is not in the hands of the Government.

MR. KILBRIDE: Is it not the fact that this gentleman is now in the employment of the hon. Member for South Hunts (Mr. Smith-Barry)?

MR. MADDEN: I have given all the information in my possession.

MR. DILLON: Do not the Government possess the same power of imprisoning a defaulter in this case as they have exercised in imprisoning a Poor Law Guardian who has been surcharged?

MR. MADDEN: I have no power whatever to interfere between the Grand Jury and a debtor, or to give them any advice.

A LADY WOUNDED BY A REVOLVER BULLET.

MR. KILBRIDE: I beg to ask the Attorney General for Ireland whether he has seen the report in the Press that Mrs. Hawkes Maybury, of Caher Lodge, Kenmare, whilst walking through the avenue leading to Lansdowne Lodge, was wounded in the arm by a revolver bullet, fired by an official in the employ of Mr. J. Townsend Trench, who was practising in the use of the revolver; whether this official had a licence to carry a revolver; and whether, owing to the serious nature of this occurrence, he will instruct the police to take steps to insure the public safety?

MR. MADDEN: The Constabulary Authorities report that it is the case that Mrs. Maybury was accidentally wounded, as stated in the question. The man who fired the shot is a farmer's son. He does not appear to have been at the time in Mr. Trench's employment. The reply to the second paragraph is in the affirmative. The police take all practicable steps to secure the public safety. But in the case in question the shot seems to have been fired in private grounds, and no complaint appears to have been made to the police alleging any culpable negligence in the matter

MR. KILBRIDE: How far was it from the road that the shot was fired?

MR. MADDEN: I am unable to say.

THE CAMP AT GLENBEIGH.

MR. KILBRIDE: I beg to ask the Secretary to the Treasury whether his attention has been called to the fact that the Field Artillery have completed their practice at Glenbeigh range for this year, and that it has been found most suitable for the purpose: whether the site of the encampment is about to be taken over by the Royal Engineers, so as constitute it a permanent camp; and whether, in view of the fact that Glenbeigh is 12 miles distant from nearest railway station, and that under the proposed Light Railway from Killorglin to Caherciveen, opening up one of the most congested districts in Ireland, provision is made for a railway station at Glenbeigh, the Government would take into consideration the facilities which the line would afford for transit to and from the camp, in addition to the local advantages it would confer, and take steps to enable the promoters to construct the line?

*MR. JACKSON: I am informed that a Report in regard to the camp at Glenbeigh has not yet been received, but the whole circumstances will be fully considered.

MR. W. T. TOWNSHEND, J.P.

MR. GILHOOLY (Cork, W.): I beg to ask the Attorney General for Ireland by what right did Mr. W. Tower Townshend, J.P., of Myross Wood, County Cork, sit and vote at the Presentment Sessions at Skibereen on November 12th, 1889, May 13th, 1890, and at Ballydehob, on November 13th, 1889, and May 14th, 1890, as also on previous occasions; whether he holds any property in either division of the barony; whether he is aware that Mr. Townshend voted on one of the occasions mentioned for the appointment of landlord J.P.'s as directors of the Schull and Skibereen Tramway, to represent the cesspayers, and opposed the nominees of the cesspayers; and whether, if Magistrates should not go outside their own Petty Sessions district to vote at Presentment Sessions, he will bring the conduct of Mr. Townshend under the notice of the Lord Chancellor?

MR. MADDEN: I am informed that Mr. Tower Townshend is a Magistrate of the County Cork, and that as such he has power, under the Grand Jury Act, to sit at all Presentment Sessions in the county. Mr. Townshend is reported to represent large properties in the two Baronies referred to as agent for his brothor and other owners. I have no information as to the particular business which came before the Presentment Sessions, or how the justices assembled and associated ratepayers voted.

CAVAN, LEITRIM, AND ROSCOMMON RAILWAY.

MR. KNOX (Cavan, W.): I beg to ask the Secretary to the Treasury whether his attention has now been called to the resolution approved by the Grand Jury of County Cavan, calling for the increase of the Government guarantee to the shareholders in the Cavan, Leitrim, and Roscommon Railway Company to three per cent. and the abolition of the baronial guarantee; whether he is now aware that a strike against the extra cess is likely to take place, and was only averted by the hope of Government intervention; whether his attention has been called to the references made at the Carlow Assizes to the difficulty of collecting the extra cess in that county; upon whom the cost of executing warrants for such extra cess falls by law; and whether, upon further consideration, and in the interests of economy, the Government will accede to the proposal already made, namely, that a Committee should be appointed, consisting of the Members for the district concerned and the Member for North Armagh, with power to draw up a scheme, to be embodied in a Bill dealing with the question?

*MR. JACKSON: I have not yet seen the resolution of the Grand Jury of County Cavan referred to by the hon. Member; nor am I aware of any likelihood of a strike against the payment of county cess in that county or of difficulties in collecting the extra cess in the County Carlow. The effect of such a strike in the County Cavan would be to relieve the Treasury from the payment of the 2 per cent. contributed by it under the Tramways Act, 1883. The costs of executing a distress warrant for the cess falls on the defaulting cesspayer. The

circumstances of the case do not seem to me to call for Government interference.

THE ROYAL COLLEGE OF SCIENCE, DUBLIN.

MR. SEXTON (Belfast, W.): I beg to ask the Vice President of the Committee of Council on Education whether it is true that the Professorship of Geology at the Royal College of Science, Dublin, is about to become vacant; whether it is the case that no Irishman has been appointed to any of the professorships in this college for a period now extending to close on 20 years, and whether the Department intend to continue this anomaly; and whether, having regard to the contemplated reduction of the permanent staff of the Geological Survey of Ireland, the Department will consider the advisability of now appointing to such vacancy (when it occurs) a gentleman who, in addition to the usual qualifications, would be competent to lecture upon the economic, geological, and mineral resources of Ireland, and able to give skilled opinion on such subjects to persons in Ireland who may in future require technical advice and information of the kind?

THE VICE PRESIDENT OF THE COUNCIL (Sir W. HART DYKE, Kent, Dartford): I am informed that the Professor of Geology is likely to retire shortly, but I have received no official intimation of the fact. It happens that only one of the five professors appointed within the last 20 years is an Irishman, but that is an accidental circumstance, as the selections were made purely on the grounds of scientific attainments. I have no doubt but that, when the professorship is vacant, the Lord President, with whom the appointment rests, will do his best to secure the services of the fittest man for the post, but with the small salary attached to it (£200 a year) the hon. Member will see that it would be difficult to impose on the professor, besides his college duties, the various functions suggested in the last part of his question.

FASTNET ROCK LIGHTHOUSE.

MR. GILHOOLY: I beg to ask the President of the Board of Trade, what has been the cost per week, since the 30th January last, of the attendance of the steamship *Alert* on the Fastnet Rock Lighthouse; whether a local contractor tendered to perform the work at less than £3 per week, under penalties, and give the choice of two of the best boats on the coast; and, if so, why was his tender rejected; and whether he is aware that it was one of the boats offered by the contractor referred to that effected the relief of the imprisoned and starving lightkeepers during the severe gales of the 23rd and 24th January last?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): I have asked the Lighthouse Board in Dublin for information to enable me to answer the hon. Member's question, and I will let him know the result.

CASE OF MICHAEL MORRISEY.

MR. CAREW (Kildare, N.): I beg to ask the Attorney General for Ireland with reference to the case of Michael Morrisey, at present in gaol on a charge of contempt of Court, whether he has considered the possibility of ordering the prisoner's release?

MR. MADDEN: The matter is solely one for the consideration of the committing Judge. The prisoner can at any time obtain his immediate release by purging his contempt.

THE IRISH PHARMACEUTICAL SOCIETY.

MR. SEXTON: I beg to ask the Attorney General for Ireland with reference to a prosecution pending at the suit of the Irish Pharmaceutical Society against chemists and druggists in Belfast, whether any steps can be taken with a view to a postponement of this and any similar cases until the sense of Parliament has been fully ascertained in reference to the Pharmacy (Ireland) Act Amendment Bill, which was passed through the House of Commons, and is now before the other House of Parliament?

MR. MADDEN: The prosecutions referred to in the question were not instituted by my directions, and appear to be at the suit of private prosecutors. I have, therefore, no power to interfere in the matter suggested in the question.

THE QUEEN'S UNIVERSITY.

MR. PINKERTON (Galway): I beg to ask the Attorney General for Ireland

whether his attention has been directed to a judgment of the Court of Exchequer, whereby it would appear that certain professors of the late Queen's University have sustained a loss of nearly one-half their incomes by the dissolution of that University, and to the observations of Chief Baron Palles and Mr. Baron Dowse as to the imperfections in the Act which prevent the legal award of compensation; and whether Government will give effect, by legislation or otherwise, to the suggestions of the learned Judges?

MR. MADDEN: I am making inquiry. Perhaps the hon. Gentleman will be good enough to postpone the question until Monday.

WICKLOW SUMMER ASSIZES.

MR. W. CORBET (Wicklow, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been drawn to the fact that the special jurors from the baronies of Shillilagh, North and South, and Ballinacor, were served with summonses to aatend the Wicklow Summer Assizes, at the Court House, Wicklow, on the 19th of July, at 10 o'clock in the morning; whether he is aware that the hour named renders it impossible for them to reach Wicklow by the first train from Tinahely, and obliges them to drive from 30 to 40 miles to be in time for the opening of the Court; and whether, under the circumstances, he will suggest that the hour of meeting be postponed, in order that the jurors may be enabled to travel by train?

MR. MADDEN: The Executive Government have no control over the arrangements in regard to the attendances of jurors at Assizes. I am, therefore, unable to adopt the suggestions contained in the concluding paragraph of the question.

CRIMINAL LAW AND PROCEDURE ACT —RETURNS OF PROSECUTIONS.

MR. O'KEEFFE (Limerick City): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he can state the number of persons who have been prosecuted under the Criminal Law and Procedure Act in Ireland from 1st July, 1889, to present day, with their names and sentences?

MR. MADDEN: Full Returns as to persons proceeded against under the statute quoted have been already laid upon the Table. The last continuation one (Parliamentary Paper No. 128 of this Session) deals with the period from November 30, 1888, to March 31, 1890. To compile a Return for the period mentioned in the question would take several days. The following information may, however, be of use to the hon. Member:—For the period July 1, 1889, to July 1, 1890, the proceedings under the statute mentioned were as follows:—Total number of cases (not persons) prosecuted, 262; total number of convictions, 211; total number of dismissals, 51.

PAYMENT OF POSTMEN.

MR. O'KEEFFE: I beg to ask the Postmaster General if he will equalise the scale of payment for town postmen in the provinces and Ireland in same degree as those for sorting clerks; and whether he will give an increase in wages to the postmen corresponding to that now being given to sorting clerks and telegraphists in Irish offices?

*THE POSTMASTER GENERAL (Mr. RAIKES, Cambridge University): No, Sir. It will not be practicable to proceed on the same lines as those indicated by the hon. Member. The organisation of the town postmen was settled not very long ago, and I do not feel justified in disturbing its general outline. The plan of organisation admits of adjustments in particular cases where necessary, and it is my intention to deal with the subject from that point of view.

THE GENERAL POST OFFICE, DUBLIN.

MR. CLANCY (Dublin Co., N.): I beg to ask the Postmaster General whether the concessions recently granted to telegraphists are to apply to the sorters in the General Post Office, Dublin?

*MR. RAIKES: The case of the sorters in Dublin, as well, indeed, as that of those in Edinburgh, is about to be dealt with in common with the case of the sorters in London.

THE "PELICAN CLUB."

MR. COGHILL (Newcastle-under-Lyme): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the "Pelican Club;" whether he is aware that prize fights are habitually held

there on Sunday evenings, under the name of boxing competitions. And whether the police have had any instructions given them with regard to it?

MR. MATTHEWS: Yes, Sir; my attention has been called to this club. I have received a letter from a member of the Committee of the club, who denies absolutely that either prize fighting or boxing in any form is carried on at the club on Sunday evenings. The police have no special instructions with regard to this club, but if I am furnished with any information to the effect that the law is being violated, I will have inquiry made.

In answer to a further question from Mr. COGHILL,

MR. MATTHEWS said: I have no information as to the size of the gloves used.

DEATH FROM EXHAUSTION.

MR. WEBSTER (St. Pancras, E.): I beg to ask the President of the Local Government Board whether his attention has been called to the case of one William Lee, an old man, who died in the workhouse at Ledbury, in Herefordshire, on the 3rd instant, and on whose body an inquest was held, when it appeared that he had lain in a field from 7 o'clock one evening till 6 o'clock the next evening, although several persons saw him during that time, including the residents in a cottage close to the spot, not one of whom rendered him the slightest assistance; whether the doctor who saw him at the workhouse stated at the inquest that the deceased died from exhaustion induced by exposure, and that if he had been attended to as soon as he had been found he would probably have lived; whether certain of the witnesses at the inquest were severely censured by the Coroner, at the request of the jury; and whether he will cause further inquiries to be made into this lamentable occurrence?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): The only information that I have as to the case referred to is a newspaper report of the proceedings at the inquest. From that report it appears that the deceased, on the afternoon of the 2nd July, went to a public house, where he had a pint of beer, and later in the day he returned there and had two pints of beer. He left about 7 o'clock, and on the next morning at about 6 o'clock he was found by Thomas Gibbons, a labourer, lying by a path in a field. Gibbons returned home and told his wife, and asked her to let someone know the man was there. The wife stated that she was very unwell, and was not able to go for assistance, but between 9 and 10 o'clock she informed a man in the service of the person who kept the public house where the deceased had been on the previous day, who went to the place where the deceased was and gave him some brandy. He sent a message to where the man had been living, but they refused to receive him there. He then sent for the police, who caused the deceased to be removed to the workhouse. As soon as the man was received there he was placed in bed and a doctor sent for, but he died at 5 o'clock on the following morning. The medical man, who gave evidence at the inquest, stated that the deceased died from exhaustion induced by exposure, and said that if he had been attended to as soon as he was found the result might have been different. The man was not destitute, as, when he was searched, 5s. 3d. was found upon him. It appears that the jury commented severely on the apathy of the Gibbonses, and that, at their request, the Coroner censured them for their conduct. There is no allegation whatever that any blame attached to the officers of the Guardians in the case. The circumstances attending the death were fully inquired into at the inquest, and it does not appear to me that any advantage can result from any further inquiry by the Local Government Board.

*MR. COOKE (Newington, W.): Instead of relying upon the report in the newspaper would it not be better to have the depositions taken before the Coroner?

*MR. RITCHIE: I will procure them, if necessary, but they are not prepared by any official over whom the Local Government Board has any control.

H.M.S. *CALLIOPE.*

MR. T. M. HEALY: I beg to ask the First Lord of the Admiralty whether any and what reward, promotion, or recognition has been given to the

Captain, engineers, officers, and crew of H.M.S. *Calliope* for their gallant conduct in the hurricane at Samoa last year?

THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): No general reward has been given to the officers and crew of the *Calliope* for the successful navigation of the vessel during the hurricane at Samoa last year, as it is contrary to the traditions of the Naval Service that services of this nature, however gallant, performed in the ordinary course of duty afloat, should be regarded as deserving of special and immediate recognition. The position of the late officers of the *Calliope* is, however, as follows—The Captain is now in command of the *Inflexible*, one of the largest ironclads in the Navy; the first Lieutenant has since been made a commander; and the chief engineer has been advanced to the rank of staff engineer. The remaining officers have received appointments to important ships. The gunner's mate, who specially distinguished himself, will be promoted to gunner as soon as he qualifies. The Admiralty have formally expressed their high approval of the seamanship displayed on the occasion, and this will have due weight in considering the services of the officers for promotion or future employment.

THE SLAVE TRADE.

MR. SYDNEY BUXTON (Tower Hamlets, Poplar): I beg to ask the Under Secretary of State for Foreign Affairs if, in the negotiations now being carried on between this country and Portugal, due precautions will be taken to ensure the prevention of the Slave Trade in all territories placed under Portuguese protection.

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): Portugal, as one of the Signatories of the Brussels Act, has bound herself to make every effort for the suppression of the Slave Trade in her territories.

PORTUGAL AND EAST AFRICA.

MR. BUCHANAN (Edinburgh, W.): May I ask when the negotiations between Her Majesty's Government and the Government of Portugal with regard to the delimitation of the spheres of influence of the two countries in Africa are likely to be completed; and whether the right hon. Gentleman can assure the House that the Shiré Highlands will be kept within the British sphere of influence?

*SIR J. FERGUSSON: The hon. Member, I am sure, must see that I cannot answer that question without notice, having regard to the very delicate character of the negotiations pending.

USIBEPU.

MR. HANBURY (Preston): I beg to ask the Under Secretary of State for the Colonies whether Usibepu has been allowed to return to the North of Zululand since the trial of the Zulu Chiefs; and, if so, for how long, and whether by the order of the Governor; and whether he is in future to be kept to the Reserve?

*THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): The answer to the first part of the question is in the negative. The Governor, on hearing that Usibepu had set out without authority in July, 1889, recalled him at once. Her Majesty's Government have not yet arrived at any decision as to the locality in which Usibepu and his people are to reside.

MR. HANBURY: Without the authority of the Governor?

*BARON H. DE WORMS: Certainly. I have already stated, in my answer to the hon. Member's question, that the Governor, on hearing that Usibepu had set out without authority, recalled him at once.

SAVINGS BANK CLERKS.

MR. PICKERSGILL (Bethnal Green, S.W.): I beg to ask the Postmaster General whether the names of the established clerks in the Savings Bank Department, who forwarded to him the Memorials of the 5th ult. and 3rd inst. respectively, have been presented to the Civil Service Commissioners for appointment to the Second Division of clerks; and whether the required certificates of appointment have been issued, and, if so, on what date?

*MR. RAIKES: No, Sir. The technical details connected with this matter are now under the consideration of the Treasury.

POLITICAL AIDE-DE-CAMP TO THE SECRETARY FOR INDIA.

MR. BIRRELL (Fife, W.): I beg to ask the Under Secretary of State for India what are the duties and salary of the Political Aide-de-Camp to the Secretary of State for India; out of what funds such salary is paid; and, if the same is paid out of the Revenues raised in India, whether, in the interests of Indian taxpayers, he will consider the advisability of abolishing the office; and whether the holder of such office is under any, and what, supervision so far as regards the effective discharge of the duties (if any) appertaining to such office?

*THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): The duties of the Political Aide-de-Camp to the Secretary of State are: To attend on Native Princes visiting this country; to represent the Secretary of State when natives are presented at Court; to exercise a general supervision over the welfare of natives, students, and others sent to this country by the Government of India, or recommended to the good offices of the Secretary of State; to make recommendations to the Secretary of State as to the disposal of the cases of destitute natives who apply for relief to the India Office. His salary is £500 with £300 for contingencies. He is paid from the Revenues of India. The Secretary of State does not contemplate the abolition of the office. The Political Aide-de-Camp is like other members of the establishment of the India Office, under the control of the Secretary of State.

THE FACTORIES AND WORKSHOPS ACTS IN INDIA.

MR. T. HARROP SIDEBOTTOM (Stalybridge): I beg to ask the Under Secretary of State for India whether, in view of the stringent manner in which it is thought necessary to administer the Factories and Workshops Acts in this country, he can state when our Indian fellow-subjects are likely to receive some share of the benefits of similar legislation, however slight?

*SIR J. GORST: Yes, Sir; the Secretary of State hopes that our Indian fellow-subjects will receive some share in the benefits of the factory legislation which has been so beneficial in this country.

TRANSIT DUTY ON INDIAN SPUN YARN.

MR. CAUSTON (Southwark, W.): I beg to ask the Under Secretary of State for India whether the Chinese Government have by an Imperial Edict raised the transit duty on Indian spun yarn by 3·10 dollars a bale; and whether the Government have any official cognisance of this new arrangement?

*SIR J. GORST: No, Sir; this is not a matter which has come under the official cognisance of the Secretary of State, but he has reason to believe that the proper Department is making inquiry.

ALLOTMENTS IN DORSET.

SIR WALTER FOSTER (Derby, Ilkeston): I beg to ask the hon. Member for Penrith (Mr. J. W. Lowther), as representing the Charity Commissioners, whether he is aware that the labourers of Dazelbury Brian, in the County of Dorset, applied in the year 1887 to the Trustees of the Poors Land to set out the same in allotments, in accordance with the provisions of "The Allotments Act, 1882"; whether, in consequence of the persistent refusal of the Trustees to allot the land, an inquiry was held on behalf of the Commissioners in January last, with the result of showing that the Charity lands were well suited for allotments; whether in May last the Trustees proposed to rent two fields from Mr. Digby for allotments, which were declined by the labourers of the parish as entirely unsuitable for the purpose; and whether, the poors land having been ascertained at the public inquiry to be well suited for allotments, the Commissioners propose to take steps to ensure the due carrying out of the Allotments Act of 1882 by the Trustees?

MR. J. W. LOWTHER (Cumberland, Penrith): The answer to the first question is, Yes. An inquiry was held by an Inspector on January 8, 1890, with the result that he considered five out of the nine pieces of land belonging to the charity to be conveniently situated for allotments. Some of the labourers, including Herbert Carter, expressed themselves at the inquiry satisfied with the land proposed to be

hired from Mr. Digby; but this proposal has since been declined by Herbert Carter, acting, as is alleged, on behalf of certain labourers. The charity land cannot be let under the Allotments Extension Act, 1882, until it falls into possession at Lady Day, 1891. In the event of the labourers persisting in their refusal of the land proposed to be hired from Mr. Digby, the Commissioners will direct the Trustees at Michaelmas next to give the necessary notices to set apart a suitable portion of the charity land in allotments.

CHATHAM DOCKYARD.

MR. EDWARD KNATCHBULL-HUGESSEN (Rochester): I beg to ask the First Lord of the Admiralty whether any great amount of extra time has recently been worked in the Clerical Department of Her Majesty's Dockyard, Chatham; whether the regulations provide that, when continuous overtime is thus being worked, the Admiralty should be informed, with a view to steps being taken to remove such strain upon the staff; and, whether in this instance, such information has been received?

LORD G. HAMILTON: No such amount of extra time as would seem to be implied in the question of the hon. Member for Rochester has recently been worked in the Clerical Department at Chatham Dockyard. The regulations direct that continuous employment for lengthened periods beyond official hours is to be reported to the Admiralty; but no strain of this nature has occurred.

CARNARVON CASTLE.

MR. LLOYD-GEORGE (Carnarvon, &c.): I beg to ask the First Lord of the Treasury whether, in filling the vacancy in the Constableship of Carnarvon Castle, occasioned by the death of Lord Carnarvon, the Government will accede to the strong wish, repeatedly expressed by the Town Council of Carnarvon, that the appointment should be conferred upon the Mayor of the town for the time being?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): The wish which has been expressed by the Town Council of Carnarvon is receiving careful consideration on the part of the Prime Minister, but Her Majesty's Government are not at present in a position to make any statement as to the choice of a successor to the late Lord Carnarvon.

FEMALE TYPE-WRITERS.

MR. BRADLAUGH (Northampton): I beg to ask the First Lord of the Treasury in what Departments of the Civil Service it has been decided to employ female type-writers; whether the appointment of type-writers in any Department is made through the agency of the Civil Service Commission, or whether each Department is left to make its own appointments; whether it is obligatory on Departments to employ any particular typing instrument; and what scale of salary is approved by the Treasury for payment to typists in the Departments in which sanction to such employment is given?

*MR. W. H. SMITH: The Royal Commission on Civil Establishments favoured the employment of women in Public Departments under proper arrangements, and they pointed especially to the value of their work as type-writers. The Treasury, in their Minute of August 10 last, on the Report of the Commission (paragraph 27) expressed their entire concurrence, and they are doing all in their power to encourage Departments to employ female type-writers. I am happy to say they are employed with good results in many Departments, such as the Inland Revenue, the War Office, the Customs, the Foreign Office, and the Treasury. Each Department appoints its own type-writers, and selects the instruments. The scale approved by the Treasury ranges between 14s. and 24s. a week, according to service and experience.

BLOCKING PUBLIC THOROUGHFARES.

SIR G. CAMPBELL (Kirkcaldy, &c.): I beg to ask who is the authority to regulate the temporary blocking of the main thoroughfares of the Metropolis for building or similar purposes; by whose permission, in the very height of the London season, in the most frequented part of Piccadilly, not only the whole of the foot pavement, but a considerable portion of the carriage way, has been enclosed for building; and to whom an aggrieved citizen must apply for redress?

MR. MATTHEWS: I must refer the hon. Member to the Metropolis Local Management Acts, 18 & 19 Vict., c. 120, and 25 & 26 Vict., c. 102, for information on the subject of his question. Speaking generally, the Vestry, by their clerk or surveyor, give permission for the erection of hoardings which encroach on the public streets. The law requires such hoardings to be put up when a house is taken down or built. The aggrieved citizen should go to the Vestry.

THE WINTER SESSION.

MR. WEBB (Waterford, W.): I beg to ask the First Lord of the Treasury whether, in making arrangements for next Session, he has fully considered the great inconvenience a pre-Christmas meeting of Parliament would cause to Members who have not permanent homes in London (especially Irish Members), necessitating, as such an arrangement would, additional unsettlement in domestic arrangements, and two journeys additional at the most inclement season of the year?

MR. W. A. MACDONALD (Queen's Co., Ossory): Before the right hon. Gentleman answers the question, I wish to ask whether he has considered that, as the contemplated arrangement involves a Session of eight months instead of six, it is right to make so important a change in procedure without the consent of Parliament?

*MR. W. H. SMITH: I must remind the hon. Gentleman that it rests with the Crown as to when Parliament should be called together. The Government are, of course, reluctant to put hon. Members to any inconvenience, but, having regard to the state of public business, we see no way by which the meeting in November can be avoided.

ARMENIA.

MR. SCHWANN (Manchester, N.): I beg to ask the Under Secretary for Foreign Affairs whether it is true, as stated in the *Daily News* of to-day, that it was owing to the advice of the British Government that the Turks are increasing the military in Armenia; also whether his attention has been called to the report in the same paper that in Erzeroum people disappear, no one knows whither, and that during the late riots about 700 persons disappeared, mostly women, who were at the public baths at the time, and are supposed to have been abducted by Mussulmans? If he has no information on the latter point, would he kindly cause inquiries to be made?

*SIR J. FERGUSSON: There can be no reason why the question should not be placed on the Paper.

ALIENS.

Address for—

"Return showing the names of all Aliens to whom Certificates of Naturalisation have been issued since the 16th day of August, 1889 (in continuation of Parliamentary Paper, No. 325, of Session 1889)."—(*Mr. Lawson.*)

MIDWIVES' REGISTRATION BILL.

(No. 29.)

Reported from the Select Committee.

Report to lie upon the Table, and to be printed. [No. 311.]

Minutes of Proceedings to be printed. [No. 311.]

Bill re-committed to a Committee of the whole House for Wednesday next, and to be printed. [Bill 391.]

MESSAGE FROM THE LORDS.

That they have agreed to,—Barracks Bill, without any Amendment.

That they have passed a Bill, intituled "An Act to amend the Law relating to the Custody of Children." [Custody of Children Bill [Lords.]

COLONIAL COURTS OF ADMIRALTY BILL [LORDS].—(No. 260.)

Bill, as amended, considered (Queen's Consent signified).

(4.14.) Motion made, and Question proposed, "That the Bill be now read the third time."

(4.16.) MR. A. O'CONNOR (Donegal, E.): When the Bill was last before the House I addressed an inquiry to the right hon. Gentleman in charge of it as to the manner in which certain colonies would be affected by it, and he was good enough to say that he would consider the question whether the Preamble should not be modified in order to save the rights of the colonies.

*(4.16). THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight): It does not seem to me that any alteration in the Preamble is required.

Question put, and agreed to.

Bill read the third time, and passed, with an Amendment.

PARTNERSHIP BILL [LORDS].—(No. 373.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

(4.18.) MR. HUNTER (Aberdeen, N.): I am surprised that the Attorney General has not risen to explain the provisions of this Bill. It certainly seems to me improper that at so late a period of the Session it should be proposed to introduce a sort of codification of so important a branch of the law, which is, to apply, not only to England and Ireland, but to Scotland as well. The Bill has not been submitted to the people of Scotland, and I beg to move the adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Hunter.*)

*(4.19.) SIR R. WEBSTER: I stated last night that this Bill has been most fully considered by a Select Committee in another place, and that it has been carefully examined both by Lord Herschell and Lord Justice Lindley. It is, with some Amendments, practically the Bill which was printed and circulated last Session, and the provisions in reference to Scotland have been considered by the Lord Advocate. I have no objection after the Bill has been read a second time to put off the Committee stage for a week so that a full opportunity may be afforded to hon. Members for submitting Amendments.

(4.21.) MR. WALLACE (Edinburgh, E.): I feel bound to support the Motion for the Adjournment of the Debate, in the interests of the people of Scotland. I do not think that many Members of the House are at all acquainted with the provisions of the Bill. I, for one, have not had time to make myself acquainted with the details of the measure, and their full bearing upon the public commercial interests of Scotland. The best way of giving the Scotch people an opportunity of seeing how their interests are affected will be, I think, to defer the Second Reading, and not to put off discussion until the Committee stage of the Bill.

(4.22.) MR. SINCLAIR (Falkirk, &c.): I hope that the Motion for the Adjournment of the Debate will not be carried. I did not look at the Bill until after the Debate which occurred last night; but I have done so now, and as a commercial man I am of opinion that it is a most valuable measure, and one that ought to be passed into law.

(4.23.) The House divided:—Ayes 85; Noes 167.—(Div. List, No. 191.)

Original Question again proposed, "That the Bill be now read a second time."

DR. CLARK (Caithness): To what extent will the Bill modify the Scotch partnership law? I understand that there is nothing controversial in it except that it modifies the Scotch procedure.

THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): The Bill is a Consolidation Bill, and it does not, so far as Scotland is concerned, modify or alter the law except in one or two points of the merest detail. One of the most competent professors of Scotch Law has used the Bill as a hand-book for teaching Scotch Law, because it is so accurate and so concise. I have had strong representations that it will deprive Scotland of a great benefit if this clear and lucid statement of partnership law is denied.

MR. WALLACE: Who is the professor?

MR. J. P. B. ROBERTSON: The professor to whom I referred was Professor Rankine, of the University of Edinburgh.

MR. A. O'CONNOR (Donegal, E.): I should like to ask whether the Bill as regards England is merely a Consolidating Bill, or whether it does not make one or two alterations of the law?

*SIR R. WEBSTER: There are one or two minor alterations which I shall be glad to point out to any hon. Member who desires it.

Question put, and agreed to.

Bill read a second time, and committed for Monday, 28th July.

ORDERS OF THE DAY.

SUPPLY—CIVIL SERVICE ESTIMATES, 1890-91.

Considered in Committee.

(In the Committee.)

CLASS III.

1. £97,499, to complete the sum for Prisons, Ireland.

(4.37.) MR. T. M. HEALY (Longford, N.): I desire to say a few words principally with reference to ths continued imprisonment of Mr. Morrisey, one of the Clongorey prisoners, for contempt of Court. A remarkable judgment has, I am informed, just been delivered by Judge O'Brien, who has held that the entire procedure adopted by the landlord in this case was wrong, that the County Court Judge was wrong in his action, and, consequently, that this man is illegally imprisoned. I am not in a position to say definitely what the learned Judge did rule, but I should not be surprised if the report is true, as I have always held, that the action of the landland was imprudent——

THE CHAIRMAN: Order, order! That question cannot be discussed on this Vote.

MR. T. M. HEALY: I am aware that I am not entitled to discuss the merits of the case on this Vote, but I intend to ask the Government with regard to the continued imprisonment of Morrisey, if they will not take steps for his release? The man's mother, who was the actual tenant, and his wife and her baby have been released already. I suggest that the man is illegally detained in gaol, and I hope if Judge O'Brien's decision is laid before the Government they will take steps to release the man, who has been in gaol since March last. Clongorey is the only case in which the Chief Secretary has acted reasonably, for he condemned the conduct of the Resident Magistrate and the prosecutions were stopped, to the great advantage of the neighbourhood. With regard to the suggestion that the Government have no power to order the release of this man, I may point out that they have the power or they could not have released his wife and her mother. Surely if an injustice is being done they can find an avenue to prevent his further detention in gaol. The other matter on which I wish to ask the attention of the Government is the case of Mr. M'Enery, the editor of the *Limerick Leader*, who has been sentenced to six months' imprisonment and a further term of three months in default of giving bail to be of good behaviour. Now, I am of opinion that if it had not been for a certain letter written by the Chief Secretary, expressing a strong opinion on this man's guilt, the sentence would have been less by three months. I think it would only be decent for the Government to direct that when M'Enery has served his term of six months' hard labour he shall be released——

THE CHAIRMAN: Order, order! It is quite irregular on this Vote to discuss the question of the release of prisoners on the ground of the excessive length of the sentence, or the illegality of their detention. The only question which can be discussed is their treatment in gaol.

MR. T. M. HEALY: Then I will refer to Mr. M'Enery's treatment. Several complaints have already been made in this House of his treatment. Dr. Moorhead, a local Magistrate, has made a series of entries in the prison book with regard to this case, and has given it as his opinion that the prisoner's health is being seriously affected. The fact is Tullamore Gaol is now being converted into a kind of receptacle for all kinds of political prisoners; the Government seem to have selected one central prison in which their instructions can be carried out in an approved fashion. Now the Home Secretary has expressed his willingness to move the Scotch convicts convicted in connection with the dynamite outrages to Scotland. Yet here you have Mr. M'Enery confined in Tullamore Gaol for nine months, 100 miles from his native locality, rendering it difficult and expensive for his wife and friends to visit him at the statutory periods. I say the action of the Government in confining Crimes Act prisoners in one central gaol wherever they may have been convicted is most sinister.

(4.50.) MR. FLYNN (Cork, N.): In common with the other Votes, this one shows an increase, and I commend that fact to the attention of the Committee and of the country. I am going to refer to the question of the treatment of Crimes Act prisoners. I hope that the Chief Secre-

tary will not, as he has done on previous occasions, say that he is not responsible for the treatment of those prisoners. I would remind him of the evidence given at an inquest at Fermoy in which a doctor said he had visited Tullamore Gaol because Mr. Burke, the Chairman of the Prisons Board, had informed him that it was the wish of the Chief Secretary he should do so. We find some curious changes in connection with prison administration. The right hon. Gentleman plumes himself in this House and on platforms outside on the consistency of his administration. But he has been driven by the force of public opinion to abandon the vindictive prosecution of journalists and newsvendors, and to retire step by step from the utterly indefensible position he took up years ago. He has abandoned the practice of cutting the hair and shaving the moustache off political prisoners, and he does not now force them to wear the odious prison garb. In these matters he has surrendered to public indignation. The Prison Authorities, from the Governor down to the lowest warder, are as amenable to the touch of the right hon. Gentleman on the instrument as any of his Magistrates in Ireland. Just as the right hon. Gentleman blows hot or cold, so the treatment of the prisoners alters. I will give an instance showing in a sinister light the manner in which the Prison Authorities obey the behests of the right hon. Gentleman. At one time in Cork Gaol there were quite a number of Crimes Act prisoners. It so happened that four or five of the prisoners, myself included, were removed into one of the infirmary wards to get special treatment. The Prisons Board viewed this with great suspicion; they promptly sent down on a surprise visit a Medical Inspector from Dublin in order to see if they could catch the prison doctor napping, and they sought to deprive him of his right of initiation in the matter of the medical treatment of prisoners. Would such a course be adopted in an English prison? What was done in another case? Why my hon. Friend the Member for West Kerry was treated with an indignity which, directed as it was by the right hon. Gentleman against a political opponent, reflected very little credit on him or his administration. My hon. Friend's moustache and whiskers were cut off with circumstances of physical force under the pretence that it was necessary for personal cleanliness. My hon. Friend was also taken from Tralee to Tullamore Gaol without notice many miles away from his family and friends, and was treated in a most cruel manner; he was treated as badly as the lowest criminal in the land. I find from the Report of the Visiting Judge that Mr. Harrington complained to him. The Report is as follows:—Dr. G. F. Moorhead says—

> "He complained 'that it was a straining of the Prison Rules to remove his moustache, and that he claimed exemption under the rules of personal cleanliness; that the Governor informed him it would be removed by force, at a time when a reply concerning the question was pending from the Prisons Board, and that he (Mr. Harrington) regarded this action as an attempt to bring him into conflict with the Prison Rules; that he was removed from Tralee Prison without notice or reason being assigned, which he regarded as a great hardship to his wife or friends, who would have to travel such a distance for a 15 minutes' visit, and that he would claim to be sent back to Tralee Gaol to receive a visit when permitted.'"

Here are two distinct complaints; first of all, that my hon. Friend, for reasons best known to the right hon. Gentleman, was removed from Tralee Gaol, where he might have had the satisfaction of an occasional visit from his wife and friends, to Tullamore. We want to know on what system the Prisons Board have proceeded. Can it be said that my hon. Friend was removed for greater security? I suppose we may assume that Tralee Gaol was large enough to confine the prisoners in. Why was the removal made? I imagine that the idea in the mind of the Government was to make a central gaol, in which political prisoners convicted under the Crimes Act might be confined with the least supervision, and in order that the punishments might be made as bitter and as cruel as possible. I want to know why my hon. Friend was removed, as well as Mr. O'Mahony, Alderman Hooper, Jasper Tully, and many others? Why were these gentlemen removed from different parts of Ireland to this gaol where the Government had a fine, stalwart Governor to carry out their behests? The taxpayer will want to know these things, and we, therefore, demand information. My hon. Friend made another complaint, as to the clipping of his moustache and

hair. Why was that done at that particular moment, seeing that it was then that the right hon. Gentleman the Chief Secretary, under pressure of public opinion from without, was altering the regulations? I say that the action of the right hon. Gentleman is a proof of his malignity—and let me here remark that my hon. Friend himself has never brought forward any complaint in this House as to his prison treatment. There is no reason, however, why his colleagues should not do so, and why they should not call attention to the indignities inflicted on everyone imprisoned under the Coercion Act. It may be said that this is an old case, because it occurred 12 months ago; but the recollection of the appearance of my hon. Friend, when he attended to give evidence before the Special Commission, is still fresh in our memories. It was palpable to everyone that he had been subjected to a long course of barbarous treatment. There was a pinched look of hunger in his eyes, and he was worn almost to the bone, so that no one could look upon him without feeling the greatest commiseration and the greatest detestation of a Government which could pursue a political adversary to such a length. We shall be told by the right hon. Gentleman that this is an ancient case—with his usual regard for veracity——

THE CHAIRMAN.: Order, order!

MR. FLYNN: Well, with his usual scrupulous adherence to accuracy.

THE CHAIRMAN: Order, order!

MR. FLYNN: I will now deal with a more recent case, that of Mr. J. E. O'Mahony, editor of the *Tipperary Nationalist*. His was a case of a Press offence, if ever there was one. He is undergoing imprisonment for the grave offence of publishing in his paper certain proceedings of the National League. He was sent first to Clonmel Gaol, and was thence transferred to Tullamore. A short time ago Alderman Cantwell, a Visiting Justice, saw him. In reply to the Alderman, Mr. O'Mahony said:—

"I have to say I'm shockingly treated by both Governor Andrews and Dr. Hewetson, prison doctor. Indeed, if they had conspired with the garrison outside they could not go about persecuting me worse. The morning after I was brought in here the Governor came into my cell. I was in the bed, being unable to rise. He asked me to wear prison clothes, and I, of course, declined. I then asked him for a form to apply to the Prisons Board for permission for Messrs. Burke & Crean, solicitors, to see me in connection with the actions of Colonel Caddell, R.M., and Bob Power against the *Tipperary Nationalist* and myself, and he answered by asking, 'Is that scurrilous rag to be revived again? The town is quiet without it.' Leaving the cell, he sneeringly added, 'Matters, I suppose, could not go on without that rag!' 'This attack,' continued Mr. O'Mahony, 'was absolutely wanton and unprovoked. I asked to see the doctor, but was partly prepared for him, because the *Tipperary Nationalist* gave him some hard knocks for his conduct towards Wm. O'Brien; and you will remember, Alderman, that in the course of my former imprisonment I had to complain to you of his cruel treatment. While suffering a bad attack he left me on a plank bed and on prison diet, with nothing to drink but water during the night. For a fortnight before my present imprisonment I was under constant medical treatment and supervision, and as evidence of the severity of the attack, had to have a fire night and day in my room.' 'I may tell you,' remarked Mr. O'Mahony, 'that a few days before my illness, in presence of Mr. John Kelly, National League organiser, I weighed 12st., and when brought in here I only weighed 11st. 3lb. All this I told the prison doctor, but notwithstanding he put me into an ordinary cell and placed me on ordinary prison diet, the result being increased prostration and complete loss of appetite, so much so that for over four days I have not tasted an ounce of solid food. I cannot pace my cell twice without staggering against the wall; I cannot kneel with a pain in my back, nor can I remain in any one position at night with the pains in my whole body. The doctor having been apprised of this, merely said it was owing to the hardness of my bed."

We want to know why this gentleman was treated in this way after the right hon. Gentleman had yielded to the force of public opinion, and had altered his method of treating political prisoners, particularly in the matter of allowing them to wear their own clothes. Was Mr. O'Mahony treated in this way simply because he was the representative of a local journal? The rule as to cleanliness was originally adopted as a boon to prisoners, but can it be said that its application to a gentleman like Mr. O'Mahony was anything in the nature of a boon? I have several other cases here which I could deal with, but I do not think it necessary to do so. They will probably be referred to by other hon. Members; but I will refer the Committee to the most recent instance that has come under my observation of the arbitrary and illegal manner in which the Prison Authorities act towards those under their control. A short time ago, a Mr. James O'Brien was confined in

Cork Gaol charged with having shadowed a constable. He was arrested by the constable he was said to have shadowed, and handed over to another constable. A Resident Magistrate was telegraphed for, Mr. O'Brien was ordered to give bail and refused, and he was then handed over to the police like a bale of goods invoiced. He was taken up in this way, not summoned; but at the worst he was an untried prisoner. Regardless of that fact, however, he was taken to Cork Gaol and asked to wear the prison uniform. He protested against the indignity, but he was forcibly stripped, the prison clothes were forced on him, and he had to remain in them four or five days, until he was tried. When he was tried, the Magistrate thought the time he had served in gaol was sufficient, and he was discharged. In the meantime, however, the Governor of the gaol had acted illegally, having broken through the Prison Rules. I suppose the right hon. Gentleman will say that the remedy of a civil action is open to Mr. O'Brien if the Governor did wrong; but I would ask whether such an answer as that will show a proper conception of their duty on the part of the Executive? When the law has been broken by a Government official, is it a right thing to expect the victim of the illegality to vindicate his conduct by a civil action? Surely it is the duty of the Government to make amends for the wrongdoing of their servant and to give compensation. Another case I wish to bring before the Committee is that of Mr. Redmond, editor of the *Waterford News*, heard a few weeks ago in the City of Waterford. Mr. Redmond was charged with a Press offence, and for the reason that he had some other case to attend to was advised by his friends to give bail as required. The Mayor of the city went to a Resident Magistrate, Mr. Rodkin, and asked him to go to the gaol to perfect the bail bonds, but this Magistrate actually advised the Mayor that the prisoner could not be bailed out unless before two Resident Magistrates. The result was that Mr. Redmond was illegally detained in prison instead of being released on bail. This Magistrate was ignorant of the most elementary principles of his business, and I want to know what the Government intend to do to mark their sense of his conduct?

(5.19.) Mr. SHAW LEFEVRE (Bradford, Central): As there is a general disposition to finish the Irish Votes to-night, I shall refrain from going into the broad question of the treatment of political prisoners in Ireland, which I still maintain is contrary to the practice of civilised countries. I rise for the purpose of drawing special attention to the treatment of bail prisoners. I need hardly point out that this question has become one of great importance in consequence of a considerable number of prisoners being imprisoned under the Statute of Edward III., and also of the practice which has grown up in Ireland of sentencing prisoners to a term of imprisonment, and in addition ordering them to give bail for good behaviour for a certain time. I believe, although that is lawful according to the law of England, it is very rarely adopted in England, and many Judges think it an extremely unfair course to take with regard to prisoners. I have been told by many Judges that they have never sentenced men in this way, and that they do not consider it right to do so. My attention was specially drawn to the question which I wish to bring before the House in consequence of my own experience in visiting one of the Irish gaols. In the course of last autumn I paid a visit to Galway, and visited my hon. Friend the Member for North-East Cork (Mr. W. O'Brien), who was then confined in Galway Gaol. I had heard that such visits were only permitted in presence of a prison warder; and in order to avoid the indignity of having to converse with the hon. Member in the presence of a warder, I wrote to the Prisons Board in Ireland and pointed out to them that, under the 13th section of the Prisons (Ireland) Act, a prisoner confined in default of bail was entitled, equally with a first-class misdemeanant, to see his friends without the presence of a prison warder. The Prisons Board replied that the matter was not within their discretion, and that it would be dealt with by the Visiting Justices of the gaol. I then went to Galway, where I found the hon. Member for Galway, Connemara (Mr. Foley). I went with him to the gaol, and we claimed as a right that we should be permitted to see the hon. Member for North-East Cork without the presence of a prison

warder. We were informed that the Prison Justices had met that morning, and that as a matter of special favour to myself they had decided that I should be permitted to see the hon. Member without the presence of a warder. No such permission was given to the hon. Member for Galway, Connemara, and the result was that I alone was permitted to see him. Upon this I communicated with the right hon. Gentleman the Chief Secretary for Ireland; told him what had occurred; and claimed, as a matter of right, that prisoners on bail were entitled to receive visitors without the presence of a warder. Apart from the question of law, I also contended as a matter of policy that the Prisons Board ought, if necessary, to adopt a rule to that effect. I showed that prisoners on bail and first-class misdemeanants in England were allowed to receive their friends without the presence of a warder. I referred to the cases of Mr. Stead, of Mr. Yates, and of Colonel Valentine Baker, who, while in prison as first-class misdemeanants, were allowed to see their friends without the presence of a warder. In the case of the hon. Member for Belfast, who was imprisoned as a first-class misdemeanant some years ago, Lord Mayo, who was the then Chief Secretary, gave directions that he should be allowed to see his friends without the presence of a warder. On the legal point allow me to call attention to the 13th section of the Irish Prisons Act. The section directs, in reference to prisoners who are unconvicted—and I believe a bail prisoner comes within that category — that the Prisons Board shall make rules on certain subjects, and one of these subjects is

"with respect to communication between the prisoner, his solicitor and friends, and to secure to such person regular and private communication between him, his solicitor and his friends as may be possible,"

having regard to the necessity of preventing any attempt at escape, and so on. I have ascertained that no rules have been made by the Prisons Board under this section—at all events, none inconsistent with the sub-section—and I contend that, as a matter both of law and policy, in the absence of any rule, the prisoners detained on bail in Ireland as first-class misdemeanants ought to be allowed to see their friends without the presence of a warder I understand that at the present time in Ireland prisoners on bail are not allowed to receive their friends without the presence of the warder —and that even husbands are not allowed to see their wives without such presence. That is an outrage, and it ought not to be allowed to exist. Why should there be this distinction between these prisoners in Ireland and first-class misdemeanants in England? In England imprisoned editors of newspapers are always allowed to edit their papers from the prison. That was so in the cases of Mr. Stead and Mr. Yates. But when the hon. Gentleman (Mr. T. D. Sullivan) was imprisoned, he was denied that privilege, and indeed he was not allowed to see his paper. I say that in all points of detail the Irish Prisons Board carry out the rules with a degree of severity unknown in England. I therefore raise this question as one of law and practice, and I urge it upon the attention of the Chief Secretary. I wrote the Chief Secretary at some length on the matter, but I have not been favoured with a reply, and I think I have a right to complain of some little want of courtesy. It was a matter affecting not myself, but a considerable number of prisoners, and I think I was justified in calling the attention of the Prisons Board and the Chief Secretary to it. I am not quite certain whether I wrote to the Chief Secretary or to the Prisons Board, but it was to one or the other, and I received no reply, and from then until now I have not heard a word. Therefore, I felt it my duty to raise this question in order that the matter might be cleared up, and in order that the treatment of prisoners in Ireland might be brought into harmony with the treatment of prisoners in England.

(5.40.) MR. W. O'BRIEN (Cork Co., N.E.): Some of the details of prison administration have been dwelt upon, but I wish we could find an opportunity to discuss the general question of prison treatment. But this we know, that whatever the right hon. Gentleman's policy was in the beginning, whether good or bad, it has utterly collapsed. He has run away from it. At the present moment the Prison Rules in Ireland are a perfect mass of inconsistencies and chaos. I will not discuss

now all that the right hon. Gentleman said in his famous interview with Mr. Blunt. That interview has not been forgotten. I do not think it has ever been explained. People will retain their own opinions about it. At all events, I do not think the right hon. Gentleman has ever denied, or that he will deny, that his original policy was to degrade us into criminals and to make ourselves and others feel that we were criminals. I ask the most infatuated admirer of the right hon. Gentleman whether he has succeeded in persuading a single human being that any criminality attaches to us. If we are criminals, why are we in the House of Commons? The right hon. Gentleman has tried hard to treat us just as he would treat thieves and burglars. Are thieves and burglars allowed to sit in this House? Are the Sessions Courts adjourned in Ireland to enable thieves and burglars to attend the British Legislature? I venture to say that the right hon. Gentleman in that, as in every portion of his policy, has absolutely broken down. We are here, and I ask him by what right does he dare to affect to treat us as criminals? The right hon. Gentleman has not the courage of his convictions. He has withdrawn his Prison Rules, altered them, and cancelled them, without the smallest bit of grace on his part. His rules are torn to tatters by his own hand, yet we have not got him to thank. He did his worst, so long as he thought the English people would stand it, and until the Magistrates found that they had power to visit the gaols. He has savagely attacked Dr. Moorhead, who was the first to discover this right of the Justices to visit the gaols. Had that discovery not been made, I believe the right hon. Gentleman would have continued his policy to this hour. He once described my objection and that of others to wearing prison garments as a monomania. I am sorry that John Mandeville, who suffered from the same monomania, is lying in his grave to-day. Notwithstanding the sarcastic speech of the right hon. Gentleman he changed his opinion. The monomania was catching. The right hon. Gentleman has a real monomania on this prison question, because he is the only human being who for one moment affects to believe that the change of clothing was necessary for the purpose of personal cleanliness or for sanitary considerations. But I do not think that anyone believes that it was considerations of hygiene that caused the right hon. Gentleman to give up night attacks and sentences of bread and water in winter. I venture to say that the right hon. Gentleman has been driven to a most ignominious surrender on that subject. The right hon. Gentleman has again and again been the medium of the false charge that we desired to be treated differently to our humbler comrades. He knows in his heart that is not so. On the contrary, we claimed to be treated just as the humblest of our comrades. We wanted a classification of offences, not of persons. But the right hon. Gentleman would not give us that. He was coerced to change his plans. What did he do? He set up a most offensive distinction between the well-dressed and the ill-dressed prisoners. He set up the distinction of the cut of the coat and the length of the purse, with the result that the Belfast swindlers and criminals of the very worst stamp were, because they happened to be well dressed, treated with a consideration that was not extended to the poor peasants guilty of political offences, and who were dealt with as common thieves and burglars. On that subject the right hon. Gentleman has been driven to a most shameless and miserable policy. I am not speaking of his theory of degrading or ill-treating us. I am only speaking of his inconsistency from the beginning—of the meanness, cowardliness, and utter collapse of this attempt to put thousands of respected and respectable men in Ireland to the level of footpads. Upon every point on which the right hon. Gentleman has been tackled he has been beaten. Take the question of exercise, for instance. He began by trying to break down the resistance of the prisoners by depriving them of exercise altogether. My friend, Mr. Hooper, formerly a Member of this House, was kept 28 days without exercise, because he refused to exercise with criminals. My hon. Friend the Member for Mid Cork was confined to his cell because he refused to exercise with thieves and scoundrels. What has been the result? The right hon. Gentleman, and not the prisoners, has surrendered. John Kelly was punished

again and again, by being put on bread and water in Derry Prison, for refusing to exercise with criminals. Two weeks after he was allowed to exercise by himself. I will now call attention to another point which is of great importance. I refer to the question of prison labour. It was on the question of the reform of prison tasks that poor John Mandeville received the punishment which killed him. Another man was sentenced again and again to bread and water and confinement to his cell for refusing to clean the cell out, and that unfortunate man is in his bed to-day. Then my hon. Friend the Member for South Galway refused, when in prison, to perform these tasks, and when it began to be known in England that this was the commencement of another struggle, and that the matter would be fought out to the bitter end, the Prisons Board discovered that there was a legal power under which John Mandeville and the rest would have been entitled to exemption from these prison tasks on payment of one penny a day. It was therefore they and not he who had acted illegally in inflicting this sort of punishment, and the result was that having found this excuse for giving up the struggle against these men they also gave up the penny a day. In point of fact, they have been beaten in every portion of their programme from the original position they took up. This is the reason why they would not allow Lord Aberdare's Committee to inquire into these cases, so "cribbed, cabined, and confined" were they. These things are not the fault of the prison officials in Ireland, and I must say that according to my own experience those officials are thoroughly ashamed of their work. The vast majority of them would be only too glad to have the chance of being humane and of recognising openly those distinctions which every one is forced to recognise at least a hundred times a day. As for the Prisons Board, they are practically driven to their wits' end in carrying out the policy of the right hon. Gentleman. If they were told definitely and distinctly that they must enforce the Prison Rules uniformly and consistently, or if they were instructed to give up the impossible task of forcing political prisoners to believe that they were criminals, and to treat them as human beings, they would understand what they have to do. But the right hon. Gentleman has not the candour to admit that his policy of treating us as brutes has utterly collapsed. He has not—I will not say the courage—but the impudence to carry that policy to its legitimate conclusion. If we could have Lord Aberdare's Committee or any other Committee appointed, with full powers to thrash out the whole subject, it would probably be found that this vacillating and brutal system of prison treatment is about as disgraceful a procedure as was ever countenanced by a civilised Government. I do not know whether the right hon. Gentleman will agree to refer this matter to a Committee. I am afraid he will not. I am afraid he does not want the English public to know what is the character of the firm and resolute Government before which the Irish people are expected to fall down and worship—a Government which chops and changes with every breath of public opinion as expressed in the bye-elections—a Government whose whole policy, I am sorry to say, is summed up in these words, "Be just as savage as you dare, but do not injure the Government." That is a fair summary of the policy of the Government in Ireland, and this being so, the right hon. Gentleman does not want the English public to understand the infamous way in which he has treated thousands—at least 4,000—of the most respected citizens of Ireland. I do not wish to say anything harsh of the humiliating change of front to which the right hon. Gentleman has been driven in reference to this question. I should not say one word on this subject if I thought it was his conscience that had pricked him, but I must say that he has adopted a policy whch he has not had the imprudence to carry to its legitimate conclusion, while he has not the honesty to admit that he is unable to carry out that policy in the case of Members of Parliament as long as English public opinion is with us, although he thinks he may carry it out in the case of newspaper men like M'Enery and Jasper Tully, who are, at the present moment, picking oakum because they have published reports of branch meetings of the League which I in my paper continue to publish, and which most of the other Nationalist papers are in the regular habit of

reporting. I say to the right hon. Gentleman let us have a consistent policy; either carry out your rules and kill us if you have the courage to do so, and are backed by English opinion, or enunciate some other policy that is intelligible and consistent. As it is, you have imprisoned something like 4,000 of the best men in Ireland, not half a dozen of whom are criminals or men with whom any Member of this House would be ashamed to shake hands. I call upon the Chief Secretary either to have the courage to carry out logically and consistently the thoroughgoing execution of these brutal Prison Rules, or else to have the candour to admit that they are utterly untenable and a disgrace to his administration.

(5.57.) THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I am unwilling to disturb the relative solitude of the Benches by any speech couched in the controversial tone which the hon. Gentleman has thought fit to adopt on this congenial topic. ["Oh!"] It is a congenial topic, because it is one on which the hon. Gentleman has favoured the Committee year after year. I will proceed, however, to deal as shortly as I can with the various observations made by the hon. Gentlemen who have taken part in this Debate. With reference to the case of Morrisey, who is in prison for contempt of Court, my right hon. and learned Friend the Attorney General for Ireland will at once make himself acquainted with the facts, with a view to considering whether there is a fair case for release or not. As to the case of Mr. M'Enery, the right of the Prisons Board to remove prisoners from the locality in which the offence is committed is one that has been constantly exercised without comment in this House. It must be evident that occasionally, as where the prisoner is a person who might, either through his own action or that of his friends, give rise to excitement or agitation in the town in which he lived, it might be convenient in the public interest to remove the prisoner to some other locality. Tullamore, the prison to which Mr. M'Enery was removed, is a healthy prison, and extremely well suited for the purposes of a prison, and I do not think Mr. M'Enery has any right or reason to complain. The hon. Member for North Cork raised a number of cases in which he informed the Committee that the Prison Rules with regard to dress had been violated in the case of certain prisoners recently confined. In regard to Mr. James O'Brien, I have no information. I do not think any question has been asked in the House with regard to the treatment of Mr. James O'Brien.

MR. T. M. HEALY: Yes, distinctly.

MR. A. J. BALFOUR: The question was not addressed to me, or I should doubtless have been aware of it. It does appear to have been the opinion of the Prisons Board that this gentleman was not sufficiently supplied with clothing. With regard to the case of Mr. O'Mahoney, I think the hon. Member for North Cork is mistaken. I find a question was asked in the House on March 14 by the hon. Member for Tipperary. The question in this instance related not to prison dress, but to exercise. In the course of the answer by my right hon. Friend the Attorney General it appeared that the prisoner was exercised alone, inasmuch as he elected to wear his own clothes. I, therefore, think it must be under some misapprehension that the hon. Member has raised the question of Mr. O'Mahoney in this connection. Then the right hon. Gentleman the Member for Bradford gave the Committee a narrative of his experiences connected with his visit to the hon. Member for North-East Cork in Galway Gaol. He told the Committee that he had written a letter either to me or to the Prisons Board giving his views on the legal aspect of the question. I have no recollection of having received any such letter; and if it was addressed to the Prisons Board, I am extremely surprised that the right hon. Gentleman should have received no answer, because, whether the Prisons Board thought it right or not to enter into a controversy with the right hon. Gentleman on the subject, I feel sure they would have sent an official acknowledgment of the receipt of the letter if it was received. I think the letter must have miscarried, but I will make inquiry, and find out why attention was not paid to the communication of the right hon. Gentleman. As regards the main argument of the right hon. Gentleman, it appears that in Ireland the Visiting Justices have a discretion in the matter. They can permit

these communications between prisoners and their friends to go on in the presence of a warder or not. The Justices seem to have decided that in this particular case the interview should take place without the presence of a warder. As a general rule, interviews take place in the presence of a warder; but when the right gentleman visited Galway Gaol, the Visiting Justices appear to have paid the right hon. Gentleman the personal compliment of allowing the interview without the presence of a warder. I do not criticise the action of the Visiting Justices; they are not under my control, and, if they thought that a proper compliment to pay to the right hon. Gentleman, I have nothing to say either for or against their action.

MR. SHAW LEFEVRE: I did not claim it on my own behalf, and as a matter between the hon. Member and myself, but as a matter of rule under the law, that the hon. Member was entitled to see a visitor without the presence of a warder.

MR. A. J. BALFOUR: I think the right hon. Gentleman is hardly correct in his interpretation of the law; but if that is so, his view can be legally enforced. No change has been made by the Prisons Board in this connection, and I presume they have founded their invariable procedure on an interpretation of the Prisons Act which they have taken pains to verify. The hon. Gentleman who last sat down went into very ancient history. He went back to the conversation between myself and Mr. Wilfrid Blunt, when staying together in a country house, and of which an extraordinary, garbled, and inaccurate version was given to the public and categorically contradicted by me at the time.

MR. W. O'BRIEN: Will the right hon. Gentleman now give us his version of what he said?

MR. A. J. BALFOUR: No; I can hardly be expected at this distance of time to recollect exactly what was said, but I can very well recollect that I never said anything of the kind that Mr Blunt attributed to me. The purport of what Mr. Blunt said was that I expressed a desire to exterminate my political opponents by subjecting them to hardships in Irish prisons. The hon. Gentleman the Member for North-East Cork himself has been four times an inmate of Irish prisons, and I can point to him as a living testimony to the excellence of the fare received on those occasions.

MR. W. O'BRIEN: Thanks to the English people, not to you.

MR. A. J. BALFOUR: The hon. Gentleman waxed very angry with me over the intention he attributed to me of compelling him to admit himself to be a criminal. I had never any such intention. I have my own views of the actions of the hon. Gentleman, and I have supported those views on certain occasions, but I have never desired that he should be compelled, directly or indirectly, to express any views on the subject. That is entirely a matter for the hon. Gentleman himself. He has a right to his own opinion, and I have an equal right to mine. The hon. Gentleman asks why, if he is a criminal, he is a Member of this House? There are regulations laid down which describe the offences which prevent gentlemen from being Members of the House, and the hon. Gentleman has not committed one of these offences, and, therefore, we shall have the advantage of his presence among us. The hon. Member for Lanark (Mr. Cunninghame Graham) also came into conflict with the laws of his country, not in Ireland, but in England; and in accordance with ordinary procedure, he was brought before a Magistrate and sent to prison, where he was subjected to the severer treatment meted out to prisoners in English prisons, though there is the difference in the case of the hon. Member for Lanark, that he has never made any complaint of the treatment to which, by his own action, he subjected himself. When he had completed his sentence he returned to this House, for he, like the hon. Member for North-East Cork, had not committed any offence against the law for which the Rules of this House prescribe that a person committing such offence shall be disqualified from sitting here, so he remains with us unto this day. In either case the treatment is the same. The question the hon. Gentleman asked about himself might, with equal justice, be asked about the hon. Member for Lanarkshire. Then the hon. Gentleman (Mr. W. O'Brien) went on to develop, at great length, a

theme he is very fond of. He is always anxious to prove to the country that the Government are, as he describes it, beaten to their knees, and the particular illustration of that position he has provided relates to the action taken by myself in regard to prison clothes. The hon. Gentleman objected to my describing his opinion on the wearing of prison clothes as a monomania. Well, I think it is. If it should be my lot, which I trust it may never be, to come into conflict with the law and become an inmate of a prison, I should not object to conform to the regulations that govern prisoners, the use of prison clothes among them. But the hon. Gentleman takes a different view. I do not understand why it is he thinks a tremendous victory has been gained over the Government. I am sure I am not concerned to discuss in this connection who has won and who has lost, but, merely as a matter of curiosity, I may ask why it is he claims to have gained a great victory? The hon. Gentleman says that he wanted no distinction made between his lot and the lot of other prisoners, except a distinction founded upon the classification of offences; that he only wanted some distinction by which it should be publicly admitted that he in breaking the law had done something entirely different to other offenders against the law, other criminals who break the law. If the hon. Gentleman——

MR. W. O'BRIEN: How honourable, and yet a criminal?

MR. A. J. BALFOUR: If that is what the hon. Gentleman says, it is a thing he has not got, because he admits he makes it matter of complaint that we still decline to draw a line between offences he ordinarily and inaccurately describes as political and other offences against the laws of the country. The hon. Gentleman was very angry with me because it has been laid down in the new prison rules that the wearing of prison dress is not to depend in any way upon the class of offence committed. We did decline to make that distinction, and we still decline, and therefore it appears that we have retained the only position we desired to retain, and the hon. Gentleman has failed to obtain the only thing he wished to obtain. Under the circumstances, I think the triumph he claims is deprived of any value, and he must seek some field other than that of prison discipline to gratify his ambition. The broad statistics of the health of the prisoners in Ireland conclusively prove that the condition of Irish prisons is good. The health of prisoners leaves nothing to be desired. The only distinction that has occurred between those whom the hon. Gentleman erroneously describes as political offenders and others is not founded on any action of mine, but is founded on the action of the prison doctors. I believe that a very much larger proportion of those gentlemen have had the advantage of hospital treatment than has been accorded to any other class of prisoners; but whether they have had ordinary prison treatment or hospital treatment I think the record of the health of prisoners is a satisfactory proof of the good condition of Irish prisons.

(6.15.) MR. DILLON (Mayo, E.): The right hon. Gentleman has again adopted that sneering manner to which we are well accustomed. I have not the slightest objection. I have myself been the object of such sneers for a good many years, and am not in the least degree the worse for them, and, so far as I can gather, the demeanour of the right hon. Gentleman, his sneers and smiling insults have assisted our cause very much among the English constituencies. Except, therefore, as a matter of personal good taste I do not care how long he continues this demeanour. But is it not a most unworthy tone for a Minister to adopt? He has said nothing in the speech to which we have just listened, or in any of his various speeches on this subject, nothing at all, in answer to the broad charge, the undoubtedly true charge, that a method of petty persecution as regards prison treatment has been adopted against his political opponents in Ireland. The right hon. Gentleman, I believe, did at the time deny the statement attributed to him by Mr. Wilfrid Blunt, and I am not concerned with whether the alleged statements of what took place in the conversation are true or not; but what seems to me to be beyond all controversy, no matter what may have been said on that occasion, is that in the beginning the right hon. Gentleman started on his policy in Ireland with the deliberate intention of degrading, insulting, and inflicting cruel suffering upon

his political opponents in Ireland—a mean, shabby, cowardly policy. When the right hon. Gentleman stands at that Table and tells us, with a smile, that we look all the better for our prison treatment—well I question the good taste of his observations. For myself, and others of my comrades in the Irish cause, I say it is false to say that we have made complaints, here or elsewhere, of our prison treatment. The right hon. Gentleman knows that we have never complained. It is true that public comment arose on the details of prison treatment, but it is not true, it is false, to say that we made any complaint of our treatment in Irish prisons. It is not courteous, it is not decent, for the right hon. Gentleman to stand up in this House and refer, as he has, to our prison treatment. The right hon. Gentleman says he hopes he never may have experience of prison life, and I do not suppose he ever will have such experience, for he has always taken care to stand by a Party who are never likely to get into prison. [*Cheers.*] Yes, but I know this, that all the good causes that were ever fought for and have triumphed in this world were not won by the people who were afraid to go to prison. I am not ashamed, and never shall be ashamed, to remember that I have stood among men who have gone to prison for our cause and may do so again. It is not unnatural that the right hon. Gentleman should sneer at and treat with contempt the squalid details, as he describes them, of prison treatment, but we who have been submitted to these details of prison treatment, some of us four or five times, having regard to the future, naturally take an interest in these details, although they are squalid. I admit they are squalid. I have worn prison linen, and I venture to say it is not spotless, it is not pleasant to wear or to look at. The right hon. Gentleman should look at the clothing before he is qualified to say he would be willing to wear it. I should like to see the right hon. Gentleman walking round a ring in prison uniform. He is a man greatly admired by his friends for his personal appearance. I am reminded of an observation from an old Irishwoman I once overheard. She was looking at a lady whom nature had not endowed with beauty, but who was exquisitely dressed, and she said, "Glory be to God, how much dress will do for a woman." I have thought of this remark as I have seen the right hon. Gentleman walking up the floor of the House. I think his dress does a great deal for him. I congratulate him upon his tailor, and should like to know his address. Ah, but if the right hon. Gentleman's admirers saw him walking round a prisoners' ring in the garb we have worn, I do not think they would consider him such a handsome man as now they do. All this is very laughable as we speak of these things in this House, but they were not so when they were inflicted upon us, and I do not think there is any hon. Gentleman opposite, who thinks it manly to sneer at us, who would not suffer under a sense of cruel wrong if subjected to the treatment we endured. The right hon. Gentleman says he would not object to wear the prison dress. Did he ever see it? Did he ever go into a prison and see the details of prison life? I do not suppose he ever did, or has the least idea of what they are. I recollect that the *Dublin Evening Express*, the organ of the Irish Conservative Party, rejoicing over the passing of the Coercion Act, said in a leading article—

> "At last we shall have an opportunity of seeing the leaders of the National Party dressed in the livery of crime."

Yes, it is an outrage, a cruel outrage. I do not know whether hon. Gentlemen appreciate that the outrage is not connected with the material discomforts of imprisonment, not confined to the outrage connected with what is vulgarly called "grub." Men are anxious to make pairs and leave this House in the evening, because the dinners provided are not sufficiently good for them, and they drive to the "Reform" or the "Carlton." They would, no doubt, suffer from prison food; but let me tell hon. Members, possibly they may not be aware of the fact, that there are people in Ireland who can suffer keenly, with a suffering not of a material kind, men, too, of a humble position in life, with a cruel, bitter sense of wrong, of terrible injury they can never forget, at being compelled to wear the "livery of crime." There is not to-day a man of enlightenment and intelligence in the length and breadth of the Continent of Europe, or in America, who does not regard the whole of this

prison treatment to which we have been subjected as an outrage upon civilisation, and an infamy to the Government who inflicted it. I agree to the fullest extent with my hon. Friend the Member for North-East Cork in the view he has laid before the Committee. I say that the conduct of the right hon. Gentleman, for he accepts full responsibility in regard to prison treatment, has been mean and contemptible in the highest degree. He has not pursued, he has not had the courage to pursue, a consistent policy in this. He started by declaring that, come what would, he would make no difference between priest and layman, Member of Parliament or peasant, and inch by inch, as the tide of public opinion rose, and as he saw the use that was made of this prison treatment at the expense of his Party at English bye-elections, inch by inch he gave way. He has removed many of the objectionable features in connection particularly—and this is the meaness of the policy—particularly in connection with the imprisonment of men who can come over to England and address an English audience. The poor peasant is treated like a pickpocket, but for a precisely similar offence the right hon. Gentleman is afraid so to treat the man who can afterwards speak to an English meeting. Is that not base, mean, and contemptible, and not only base and contemptible, but directly contrary to the action to which he pledged himself, in the face of this House and of England, when he entered upon his cruel and most indefensible policy? I will say no more upon the general ground, the "squalid details" of our prison treatment. I have been tried two or three times, and I have suffered imprisonment on a charge of criminal conspiracy. Nothing is more certain than that if it were possible to convict me in England—that is impossible, but supposing it were possible, for the sake of argument, to convict me upon the same evidence as that upon which I was convicted in Ireland of the offence of criminal conspiracy, then I should be ordered to be treated as a first class misdemeanant. I speak not for myself, but for another man, who had not the faintest intention of crime. Does anyone maintain that in England a man convicted for criminal conspiracy, the object being no crime, and only a crime as being in the nature of conspiracy under the Common Law, does anyone say that in England the Judge would not order him to be treated as a first-class misdemeanant? At the present moment Mr. John Kelly is serving a sentence of imprisonment with hard labour at Clonmel. He has refused to do any hard labour, as I am informed, or to conform to the rules which he considers humiliating for the treatment of a hard labour prisoner. Now, I want to know is the right hon. Gentleman going to inflict savage and brutal treatment in order to compel Mr. John Kelly to do labour that he would never be asked to do in this country? I warn him that if he does he will hear a great deal more of this case. I must say that it seems to me this is a gross example of the cruel policy of the right hon. Gentleman. Having said so much with regard to this particular case, and as I suppose I should not be in order in enlarging upon it at any length, and as we may be obliged before long to bring it in another way before the House, I will conclude repeating what I have more than once said: We Irish Members and Members of the Nationalist Party have not complained of our prison treatment, but on general principles we do protest against the Queen's subjects, and still more the people of Ireland, being subjected to humiliating, insulting, treatment, which, in the opinion of all intelligent civilised people in the world, should be reserved for those guilty of disgraceful crimes.

(6.30.) MR. A. J. BALFOUR: I do not want to prolong the discussion, but as the hon. Member has taken exception to the tone of my speech, I merely wish to say that I endeavoured studiously to remain within the bounds of moderation, although, as it will be remembered in the speech to which I was replying, I was described as base, contemptible, cowardly, and a would-be murderer. [Mr. W. O'BRIEN: That is absolutely false.] In these circumstances I think that I have been remarkably moderate.

(6.31.) MR. J. O'CONNOR (Tipperary, S.): Considering that the right hon. Gentleman never at any time contradicted the letter of Mr. Wilfrid Blunt, I am not at all surprised to learn that his conduct towards prisoners in Ireland has been described in the terms

he has just quoted. He has said in his speech he believed we were monomaniacs for having objected to the treatment to which we were subjected, and that he himself, if he were a prisoner, would not object to the treatment of an ordinary common criminal, that he would follow the example of the hon. Member for Lanarkshire (Mr. C. Graham), and willingly allow himself to be subjected to this indignity. But there is no comparison between the offences the Irish Members were charged with and the alleged offence of the hon. Member for Lanarkshire. The hon. Gentleman was punished for violence. I introduced a Bill in this House last year for the purpose of dealing with offences under the Crimes Act, and I specially exempted all cases of violence. I claimed for the men imprisoned under that Act the treatment of political offenders, but I exempted from such treatment all those who were found guilty of acts of violence. During the course of the discussion which took place on my Bill, the right hon. Gentleman stated that, owing to the treatment of the political prisoners in Ireland, we were able to make an impression on the people of Great Britain. He admitted that at the time, and he declared his intention of issuing a Commission for the purpose of inquiring into the treatment of prisoners not only in Ireland but in Great Britain. I stated at the time that that was a make-shift to cover his retreat from the position he had assumed with regard to Irish prisoners, and I was fully borne out in my prediction that before the Commission reported to the Government the right hon. Gentleman, as head of the Prisons Board in Ireland, introduced bye-laws and rules which altered the whole position of the Irish prisoners. All I asked by my Bill was that prisoners under the Coercion Act should not be required to wear the prison dress—the livery of crime—that they should not be subjected to hair-shaving, to clipping and shaving of beards, to bearing company with criminals in the course of their exercise, and that they should not be required to perform menial offices. Every one of those demands has been granted. From that day no man imprisoned under the Crimes Act has been asked to wear the prison dress, or to have his beard shaved, or his hair clipped; no man has been asked to perform menial offices, or to bear company with criminals. My complaint to-day is that while he has made concessions to us on these points in deference to the public opinion of England, he has endeavoured, by his Prisons Board and his Prison Inspectors, to rob us of the benefit of the concessions. Last year we were not required to bear company with criminals, but the right hon. Gentleman managed by his Visiting Justices to reduce us to the position of the lowest criminals in the prison. When I, the hon. Member for Mid Cork, one of my Colleagues in the representation of Tipperary, and another gentleman were imprisoned in Clonmel Gaol, we were allowed to exercise in each other's company. We had to conform to the rules of the prison by marching at intervals of some five or six feet. This, of course, we did, but we had the pleasure and the comfort of taking exercise with one another for two hours per day. The remaining 22 hours we spent in cells 12 feet by six in measurement. But we were removed from Clonmel Prison to the central Bastille at Tullamore. The right hon. Gentleman says that prisoners were sent to Tullamore so that they might be removed from districts where their presence, even within prison walls, was calculated to create excitement. No; the object of sending prisoners to the central Bastille was to punish them by a straining of the prison law. How is the law strained? After our first day's imprisonment in Tullamore the privilege of taking our exercise in each other's company was denied to us. We were brought out at different hours of the day. We were thrown into a large enclosure through an iron gate, like wild beasts. The doors round about the enclosure were closely barred, and there, like wild beasts in a menagerie, we were allowed to pace round without a single soul near us. We were reduced to the position of the lowest criminals in the prison, and I have it on the authority of more than one Governor of a prison in Ireland that when refractory prisoners are to be punished and brought to discipline they are put upon the solitary system. This is the greatest punishment that a criminal can be subjected to, and it is to such punishment that the right hon. Gentleman is subjecting his prisoners at

the present time. It has been said in the House of Commons that men are sent to Tullamore because the system is so very perfect, and because the Governor of the prison is specially capable of carrying out the system. Let me relate what happened in my own case. By the order of the Judges of the Royal Commission we were permitted to have an Irish newspaper, which contained a report of what occurred in the Commission Court. While we were imprisoned in Clonmel Gaol we saw a newspaper. Certainly, everything else but the report was cut away, but while the report was on one side there were advertisements or, perhaps, little scraps of news on the other side. What occurred in Tullamore? What did the fertile ingenuity of the model Governor of a model Chief Secretary of a model Prisons Board do? In order to deprive us of the pleasure of reading the advertisements in the *Freeman's Journal* he got a piece of brown paper, carefully gummed it, and plastered it all over the back of the newspaper to prevent us reading anything but the Report of the Commission. The Russians have a very perfect system of stamping out, but Captain Featherstonhaugh had no such system, and he was obliged to resort to brown paper and gum. I mention this circumstance to show that this model Governor strained every rule of law he possibly could in order to make the position of the prisoners more irksome and cruel than it otherwise would be, and I maintain it is because it is such a prison, and Captain Featherstonhaugh is such a Governor, that the Chief Secretary has selected Tullamore as the place for the punishment of his political opponents. It may be interesting to the Committee to know what I did when I found the advertisements obliterated. I steeped the paper very carefully in my basin of water, and freed the report from the brown paper. I showed the paper to the doctor, and told him I despised such petty tyranny as the Governor had displayed in trying to obliterate all but the Report. From that day I was permitted to read the advertisements. Let me mention the case of Mr. O'Brien, who was in the Cork prison a short time ago. When Mr. O'Brien went to the Cork prison, the Chief Governor must have been away. I should be sorry to believe that Colonel Roberts was capable of such petty tyranny as was practised in the case of Mr. O'Brien. I have been in the charge of Colonel Roberts under all circumstances of imprisonment. I have been under him as a first-class misdemeanant, as a man waiting trial, as a convict, and as an accessory, and I have experienced nothing but the most kindly treatment from Colonel Roberts. But when I was under the charge of Colonel Roberts, it was under the humane administration of the Liberal Government, and I may say I can almost tell by the way in which a gaoler turns the key in the lock who is in Office. By the way in which your goaler looks at you, by the way in which he hands you your food—if you can call it food—you know what is the spirit that prevails in Dublin Castle. It is said that O'Brien's underclothing was taken from him because it was not perfectly bleached. What an absurd reason to give in the case of a man who is in such a position that he can offer the Magistrates £1,000 down as bail. It is too absurd to say that the linen of such a man will not bear the inspection of a common gaoler. Mr. O'Brien would not have been persecuted as he was if the right hon. Gentleman's gaolers and police did not know that they can with impunity inflict these petty punishments on the right hon. Gentleman's victims, because he is certain to defend them in this House, no matter how atrocious their conduct has been. That is the true meaning of the manner in which law is administered, both in prison and out of prison, in Ireland. The Prison Governors, the gaolers, and the warders of Ireland fast become inoculated and permeated with that spirit of bitter hostility which the right hon. Gentleman expresses in this House, and which is reflected in the proceedings of his subordinates in Ireland.

(6.53.) MR. MAC NEILL (Donegal, S.): I will do the right hon. Gentleman the credit of believing that he has not himself realised the measureless sufferings which his policy has inflicted on political opponents who are quite as honourable as himself. If I thought he did realise them I should speak of him not in terms of vituperation, but rather in terms of pity. The right hon. Gentleman has admitted that he never took the trouble of visiting a gaol or realising

the *régime* of a gaol. I would advise him, if it be too irksome to him to visit a gaol, to read a few chapters of that celebrated book by that distinguished man Michael Davitt, *Leaves from a Prison Diary*. If he wants a scenic representation of sufferings such as those he has inflicted in Ireland, I would advise him to go the Lyceum, and see "The Taking of the Bastille." He will there see the emaciated forms of people from whom all hope of life has gone, and will realise the sufferings he has inflicted on his political opponents in Ireland. The right hon. Gentleman has told us what he would do if he were in prison. I can assure the right hon. Gentleman that, although we do not like his political ways and looks, if he were in prison in our hands not one of us would show him the slightest personal indignity, and we should refrain not for his sake but for our own. The right hon. Gentleman the Member for Bradford (Mr. Shaw Lefevre) was allowed to visit the Member for North-East Cork in Galway Gaol without the intervention of a warder. The right hon. Gentleman, however, need not think much of the privilege. The same privilege was, under the right hon. Gentleman the Chief Secretary's *régime*, accorded to Mr. Shannon, agent of the *Times*, when he was endeavouring, with the permit of the right hon. Gentleman, to trump up evidence on behalf of the *Times*. Now, I say that during the right hon. Gentleman's *régime* there has been a remarkable difference in prison treatment with reference, firstly, to the prison chaplains; secondly, to the prison doctors; and thirdly, to the warders. I will deal with the warders first. Before the right hon. Gentleman entered into Office warders were allowed very generous holidays, and could go about the town without wearing uniform. Since he has entered upon Office warders have been dismissed for refusing to wear the prison uniform in public. I take it to be the policy of the Irish Executive that warders shall be made a distinct class, who shall have no communication with the rest of the community, and who shall be kept as far as possible out of sympathy with the people. I bring this charge not so much against the right hon. Gentleman personally as against his officials. In other days the chaplains in gaols have been the friends of the prisoners. They have been allowed to have special keys to the cells, and have been allowed to visit without being accompanied by a warder. They have, in fact, been regarded by the prisoners as the only friends they have. But now, Sir, all this has been altered and scandalously so in Derry Gaol. In that gaol a number of persons from my constituency were unfortunately lodged for political offences, and will the House believe that the Governor of that gaol remonstrated with the Roman Catholic chaplain because he made more than the usual number of regulation visits. I asked the Attorney General a question on that point a few months ago, and he replied—

"The General Prisons Board report that it is the case that the Governor of Londonderry prison communicated with the Roman Catholic chaplain for calling to see a certain class of prisoners more often than others. He did so in pursuance of general instructions on the subject issued by the General Prisons Board. It is not the duty of a chaplain to see every prisoner on each occasion of visiting a prisoner. His duties are fully defined in the prison rules. When a chaplain uses the privilege of his office in paying frequent or protracted personal visits to individual prisoners of a particular class, in a manner not contemplated by the prison rules, it is, in the opinion of the Board, absolutely necessary that the Governor should interfere to prevent such an abuse of his privileges as chaplain."

Last year I brought a charge of gross personal cruelty and malignity against the Governor of this prison, and he thereupon proceeded, by depriving the prisoners of the ministrations of a chaplain, to make their condition still more miserable. On the 31st August last, the day after the prorogation of Parliament, Mr. Joyce, a Prisons' Inspector, went down to Londonderry Prison and wrote a letter of a friendly kind to the chaplain, asking him to call and see him. Father Doherty did so, and Mr. Joyce then requested him to give evidence at an inquiry by the Prisons Board. Father Doherty replied that he could not do so, and that he knew nothing about prison discipline. He was not in the gaol as a prison officer or a spy, and it would limit his usefulness with prisoners if he did any such thing as had been requested. Thereupon he was dismissed by order of the Prisons Board. At that time—the 16th Septem-

ber—there were no fewer than 125 Catholic prisoners in the gaol, and since then the Roman Catholic prisoners have been without the ministrations of any priest whatever. The compromise which was arrived at only adds to the scandal, for all prisoners sent to gaol for a month or longer, are now sent at vast expense to Belfast and other prisons. All prisoners for a shorter term than one month in Derry gaol, have to do without the ministrations of a priest. Father Doherty having been dismissed, the Prisons Board wrote to the Vicar Capitular of the Diocese, speaking of the matter as an urgent one, and asking his serious attention, in order that the Roman Catholic prisoners in Londonderry Prison might not be deprived of the ordinary services of their Church. I may here state that Father Doherty was asked to give evidence as to how letters written by the hon. Member for Camborne were got out of the prison. The Vicar Capitular, in the course of his reply, said—

"If you require him (Father Doherty) to depose on oath against any of the inmates of the prison, and if he complied, henceforward they would look upon their clergyman as a warder in disguise, and his influence ever after would be useless for good—a result painful to think of. Chaplains, like other professional men, should be safeguarded; they should be perfectly free to observe silence on matters that may come to their official knowledge in their intercourse with prisoners."

The Prisons Board, in their letter, accused Father Doherty of gross insubordination to prison authority, and in regard to that the Vicar Capitular replied—

"If Father Doherty could have given any information—which I do not admit—touching the subject matter of the inquiry, he could only have obtained that information in his capacity as chaplain, and Acts of Parliament notwithstanding, the Courts of Law have heretofore recognised a clergyman's right to refuse such information for the reasons stated in my former letters. I do hope the Prisons Board will allow no consideration to weigh with them other than the good of the unfortunate prisoners in the gaol."

The Prisons Board have, however, held out, and from that day to this no Roman Catholic chaplain has been appointed. There has been some correspondence between the right hon. Gentleman and the newly-appointed Bishop of Derry. It has been stated that the Bishop was communicated with, but in a letter, dated the 19th June, the Bishop of Derry denies having received, either directly or indirectly, any communication from the Prisons Board. He adds—

"Supposing Father Doherty had allowed himself to be sworn, then, whether he answered the questions put to him or whether he did not, it would have equally served the ends of the Government, for, from his very silence, conclusions would have been drawn more detrimental, perhaps, to the prisoners than his answers themselves. But had he consented to answer the questions, who does not see that he would have been abusing his position as Catholic chaplain in divulging what he could only have learned as chaplain? Is a medical man expected to abuse the confidence of his patient, or a lawyer to divulge the secrets of his clients?"

Now, I wish to know, are Catholic prisoners all over Ireland to be deprived of the benefits of the ministrations of a priest because he is not content to be a warder in disguise? Can a prisoner communicate with the chaplain without a fear that that official will be hauled before the Star Chamber and compelled to state all he knows? But as if to show the utter absurdity of the suggestion that the letters of the hon. Member for Camborne were conveyed out of the prison by the chaplain, they were far more numerous after Mr. Doherty's dismissal than before. I have one in my hand which was published on September 30, and in which Mr. Conybeare ridicules the idea that Mr. Doherty had anything to do with getting the letters out of the gaol. He adds—

"No decent Catholic priest, I am confident, will accept any appointment as chaplain here until Father Doherty is reinstated. If such a one were found he would be a blackleg, or as we may say, a clerical land grabber, and with such a one, I for one will refuse to have anything to do. . . . They have condemned me unheard, and condemned me to the loss of my writing materials for 10 days. Fortunately I found means of being even with them, and being able to write you this letter can, as you see, snap my fingers at their paltry tyranny."

I am not much of a correspondent, but I can assure the right hon. Gentleman there never was such close correspondence with my hon. Friend the Member for Camborne during the 20 years I have known him, as while he was an inmate of this prison. As a distinguished politician said, "The Derry Gaol Post Office was in full working order." Whoever brought the letters out I do not know, nor am I concerned to inquire. But I do want to know what the right hon. Gentleman intends to do in connection with these Catholic chaplains. Are

the only chaplains to be employed to be men whom the prisoners will regard as the ministers of an odious and atrocious tyranny? Does the right hon. Gentleman wish to make the ministration of religion in Ireland as odious and contemptible as the administration of justice? And now I will pass on to the case of the prison doctors. The most humane men of all are medical men: they love to alleviate suffering, and are not actuated by mercenary motives. But the right hon. Gentleman in his prison administration has used them not to alleviate pain, but for the purpose of torturing them, so far as is consistent, with not murdering them. They have to see not how well a prisoner can be kept, but what amount of suffering he can endure without dying in gaol. No sooner did the right hon. Gentleman accede to office, than down came an order from the Prisons Board, demanding prompt Reports immediately any indulgence, dietary or otherwise, was granted to a prisoner, and the reason for the grant. Poor Dr. Ridley again and again assured the hon. Member for North-East Cork that he would gladly do something for him, but that if he did, he would be dismissed. He asked Mr. Lane, another prisoner, to go into hospital, or otherwise he could do nothing for him. One of the most recent cases that has come under my notice has been that of Michael Cleary, who has been actually murdered —who was given up as a blood offering to the Smith-Barry brigade. These are the circumstances. On the 5th September, a boy named Heffernan was shot by the police, against whom a Coroner's jury returned a verdict of wilful murder. Of course the Government screened their friends, and prevented a prosecution. In the *mêlée* which attended the murder of this boy, several men were injured by the police, others were prosecuted for throwing stones, and among them was Michael Cleary, the support of an aged mother. He declared that he took no part in these disturbances, but still, he was sentenced to two months hard labour. He went into gaol on the 14th November, he left on the 11th June, and he died on the 26th February. When he went into gaol he was suffering from consumption in an advanced stage, although it was possible he might have been cured of it. Dr. Hewetson, who has been in a lunatic asylum, a fact which may account for his cruelty and want of care in this case—never looked at Cleary until the 25th November, and he then certified him as able to do hard labour. During the whole of the time Cleary was spitting blood, and as a result of his punishment, and the wretched food he had, his illness was aggravated to a fatal extent, for, as I have already stated, he died soon after his release from prison, constituting another victim of this shameful and scandalous system of prison torture. I now pass to another subject. The right hon. Gentleman, with his usual inaccuracy, jauntily declared the other day that the prisons were in a healthy state, whereas, they are in the worst possible condition. A remarkable letter by Dr. Roche, one of the heads of the profession in Dublin—contains these words:—

"The undeniable and indisputable facts which present themselves are that all the prisons were built in olden times, and after an antiquated system, and when the value of light, air, and basement drainage was not understood. There is ample testimony that pallor, tremor, loss of weight, and frequently diarrhœa supervene in many cases after admission to a large number of gaols throughout Ireland. There is no record given by the Prisons Board of the percentage of those constantly sick, but there is of those constantly mad, and this is over 7 per cent., which is 15 times as great as the general community's proportion. The prison officials have admitted that there are cells in Tullamore and Derry Gaols 9ft. by 6ft. by 10ft. high, 540 cubic feet, and without a fireplace or chimney. Mr. Blunt has written that his cell was 10ft. by 7ft. by 9ft., and without a chimney. The history of Larkin, Mandeville, and others all indicate insufficient æration. The affections of the eyes complained of by many prisoners denote the same."

We know that Mr. Cox, the Member for Clare, and Mr. Wilfrid Blunt, complained of their eyes when they left gaol. If the right hon. Gentleman thinks it necessary to keep people in prison for anything, will he endeavour to secure that their health shall not be ruined? I ask the right hon. Gentleman, in conclusion, will he persist in making chaplains warders and gaolers in disguise, and will he use the medical officers not as protectors of health, but as instruments to enable the Government to torture prisoners without actually murdering them? I hope that he will give us some information on the points I have raised.

(7.30.) DR. TANNER (Cork Co., Mid): Of all the Votes in Supply none deserve more thorough investigation than this Prisons Vote. The Chief Secretary in the course of his remarks just now, which I must stigmatise as "most unladylike," could make no answer to the charges against his prison administration, and the treatment of his political opponents, but his tone and manner were most exasperating. However, we are accustomed to this, and to make allowance for the right hon. Gentleman's shortcomings in temper and manners. I do not hesitate to say that Michael Cleary was foully murdered, done to death in Clonmel Gaol. What was the verdict of the Coroner's Jury which sat on the case? The Coroner was not in the least a sympathiser with Nationalist politics, so it cannot be alleged that he biased the jury. The inquiry lasted a long time, and I listened to the evidence given by Dr. Conway, and the cross-examination of Dr. Hewetson, and I never felt more distressed in my life than I did at the efforts made by that poor medical man, Dr. Hewetson, to make good his position. I do not blame that unfortunate gentleman; it is not his fault; he is a victim of the Chief Secretary's system. Everybody knows he was brought from a lunatic asylum to the gaol. But we have it in black and white that this poor young man, Cleary, was a month in Clonmel Gaol without being examined, and he was suffering from incipient phthisis, as sworn to by his medical adviser. When he became too weak to be neglected longer he was sent into hospital for three weeks. Three weeks! I should like to see the medical card for this case. It does not need to be a doctor to know that consumption cannot be cured in three weeks. The dying boy was sent back at the end of three weeks to pick oakum and lie on a plank bed! Let anybody imagine this frightful condition of things. There was no want of confirmation of the fact that he was suffering from the disease. Every day for three weeks he suffered from vomiting, and, what is more, he spat blood, and this, of course, as we know, thoroughly confirmed the diagnosis of Dr. Conway. The Chief Secretary, I am afraid, has grown callous in the course of his administration, not that at any time he had a very sympathetic turn, but I wish to call attention to this awful example of what may result from the position of these unfortunate people, shut out as it were from the light of day in gaol. The public have no means of knowing what is taking place. I recollect when I was in Clonmel Gaol last year three lads being brought in from one of the northern districts. Their cell was opposite to mine, and I heard their expostulations against being deprived of their clothes, but of course expostulation was in vain; they were stripped and their own clothes taken away. We are told that if this is done in an illegal manner then proceedings can be taken against the warders, but it is quite possible for a man to be in prison for six months and not know the name of one of his warders. I was three months in Clonmel and three months in Galway gaols, and I only happened to learn the name of two or three warders at Clonmel. If you ask for information you are punished for doing so, and so it is difficult to get any light thrown on the system in Irish prisons, which I must call abominable. I had an opportunity of comparing, of differentiating between the Irish and the English systems, because I spent three weeks in Holloway Prison, and I can testify to the striking difference in favour of the humanity of the English system. The right hon. Gentleman sneered at the remark of my hon. Friend the Member for South Tipperary that while in prison it was easy for us to tell how the great political fight was going on by the demeanour of our gaolers as they handed us our food, but that was so. I recollect quite well the hang-dog look of the Governor of the gaol, Mr. Andrews, who was appointed because he was a facile instrument for carrying out the behests of his superiors in the meanest, nastiest way; certainly he was one of the worst of the officials I met with during the time I was the guest of the right hon. Gentleman the Chief Secretary. I recollect full well when the Liberal cause was triumphing at Peterborough, Elgin, Nairn, and elsewhere, how we were better treated by the warders, and of course, if there appeared a check to Liberal progress, we suffered a little more, for you see a dog takes his tone from his master. There are three or

four questions to which I should like to get answers. First, I demand a reply on the subject of bail prisoners. Last year, in debate I think on this same Vote, in connection with this subject, my own case was brought up. For my own part, I have never made any complaint of my treatment, but I shall try to obtain a reform in prison discipline. In last year's Debate, on this question of bail prisoners, the Chief Secretary was subjected to some pressure, and first he stated that bail prisoners would be quite as well if not better treated than first class misdemeanants. Inquiry being pressed, the right hon. Gentleman found out that bail prisoners were not usually allowed to see their visitors in a private room, but having made the statement that these prisoners should be treated as well as first class misdemeanants, this privilege was granted. This was the result of our agitation, and we can get nothing without that even in gaol. Many advantages I thus secured, and hope to do so again when next I go in. I was allowed a separate room, and any bail prisoner is entitled to a room if he pays for it, and there is one to be had; but in third-class gaols it is not always possible to get one. I also obtained the advantage of seeing my visitors, not in the "cage" as it is called, but in the Governor's room. Now this year, I have tried again and again, by nailing the Chief Secretary to his word, to get him to carry out his promise. I have tried to secure for other prisoners the advantage I obtained under the rules, for of course I should not have got them if I had not been able to point out the rule allowing them. I have pointed out how Mr. John Slattery, a respectable man, a bail prisoner from Cork, was obliged day after day to see his wife in the ordinary "cage." The Chief Secretary said, "Oh, he will have every advantage under the rules that can be offered." Now, that is not the answer we might expect. The right hon. Gentleman gave a pledge that bail prisoners should be as well treated as first-class misdemeanants, and I claim that he shall be as good as his word in the case of Mr. John Slattery. I saw this gentleman on each occasion when I went home to Ireland this Session, and I must say that on each occasion he looked decidedly worse than before. I also took occasion to speak to the prison doctor, a friend of mine, and an estimable gentleman, Dr. Moriarty. I do not like to praise an official, for that may be set down to his disadvantage, for our attacks upon some of them seem to lead to promotion; however, speaking to Dr. Moriarty, he agreed with me it would be a great deal better for Mr. Slattery's health if he were placed in a room with more breathing space. Persons accustomed to outdoor exercise, and confined to a small cell for a long period, suffer materially in their health, and this is certainly the case with Mr. Slattery. With special reference to this case I think we are entitled to have an understanding from the Chief Secretary that bail prisoners should have the advantages they are entitled to under the rules and in accordance with his promise. There is another matter I should like to ventilate, and that is in relation to the exercise allowed to prisoners. In our country we must expect during the year considerable rainfall, and when bad weather sets in and prevents open-air exercise prisoners suffer severely. It may be remembered that a former Member of this House, Alderman Hooper, suffered severely in health from confinement to his cell, he refusing to take exercise with criminals. Very frequently for weeks together, and notably in Galway, Sligo, and some of our western counties, we have a continuous rainfall, and then unfortunate prisoners are deprived of the daily two hours' exercise to which they are entitled. A remedy for this can easily be provided. I gather from the remarks of the Chief Secretary, and I see from the Estimates, that a certain amount of money is to be expended upon Irish prisons, and I certainly ask on grounds of common humanity that covered exercise grounds should be provided for all prisons. It could be done at very small cost. At Galway Gaol, for instance, the cost would be very slight indeed, simply the enlarging and extending of a shed that already exists. I am not going into the case of Mr. James O'Brien, for my hon. Friend the Member for North-East Cork has sufficiently dealt with that, but there is another small matter in connection with Galway Gaol

which has rather a ludicrous side to it. Prisoners committed at Clifden for a week are sent to Galway because at Clifden there is only a Bridewell. The first night they sleep in the Clifden Bridewell and then the next day they are taken in a special outside car to Galway Gaol in the custody of a constable and two sub-constables; at Galway they pass three days in gaol and then they are brought away from Galway and lodged in Clifden again. So that a person fined 2s. 6d., or sentenced in default to a week's imprisonment, spends a couple of days of that time in driving round the country with an armed escort, and the sum total of the cost of every such conviction is, when all is defrayed, something like £3 10s. This sheds a little light on the way money is wasted in this Department. Then there is one small personal matter I have to mention. I do not like speaking about my own imprisonment, because if ever a Member on these Benches illustrates an argument by reference to his own experience in prison, the Chief Secretary gets up afterwards and says that Gentlemen opposite are always complaining, and never satisfied with their prison accommodation. Certainly I did feel hurt at one incident. When I was sent to Clonmel, on the third or fourth occasion, on arrival at the station I found a horrible old prison van, a ramshackle, antediluvian instrument of torture, drawn up at the station door. I am sure if any hon. Member here had an opportunity of inspecting the vehicle, he would condemn it in a most emphatic way, as I certainly did when I was required to ride in it. To my certain knowledge it had not been used for three or four months before. In this superannuated old vehicle, which was not considered good enough for the conveyance of passengers of a more distinguished criminal character, I was conveyed to my very considerable personal inconvenience. The Chief Secretary may smile at the incident, and think I am unduly fastidious, but I may mention that the warder who accompanied me inside got sick from the shaking and jolting of the machine on the way from the station to the gaol. Of course, I suppose the Chief Secretary thought my physique was equal to the trial. The vehicle had not been used before since Special Assize time, and on three previous occasions I had been taken on to the gaol without this additional torture, but this was in keeping with the policy of insult towards Irish Members inside and outside prison. There is good work to be done in connection with Irish gaols. In England you have a good gaol system, properly looked after by responsible people, but in Ireland there is a bad system controlled by a selection from the Castle Party. The sooner the system is swept away the better for people inside and outside the prisons; and it is for us who have had experience as guests of the right hon. Gentleman to let in the light "on the ways that are dark and the tricks that are vain" of the right hon. Gentleman and his subordinates.

*(7.47.) MR. H. HARRISON (Tipperary, Mid): I wish to ask the right hon. Gentleman the Chief Secretary what course he proposes to pursue with reference to Londonderry Gaol. In a Debate upon the Estimates last year the condition of this gaol was raised with fulness in somewhat heated discussions. I do not propose now to hark back at any length on the matter, for the circumstances must be fresh in the recollection of most Members, but the Debates are instructive reading, and admirably illustrate the temper and touch of the right hon. Gentleman when he handles questions of Irish administration brought before him. At that time there had been reports that the sanitary arrangements of Londonderry Gaol were not all that they should be; there were rumours that typhoid fever was prevalent in the city, and that there had been cases in the gaol itself. Beyond that, there was the undoubted, undenied, and undisputed fact that five persons within six weeks had been dismissed from the gaol on account of ill-health, and that two of these, at least, had died shortly after their release, one of them within 48 hours, of typhoid fever, contracted, according to the testimony of a competent medical authority, in the gaol. There was also the notorious fact, well known in Londonderry, that a peculiar unhealthy pallor was the accompaniment in almost all cases of a tenure for any length of time of a cell in Londonderry Gaol. Furthermore, there was the fact

that my hon. Friend the Member for Camborne (Mr. Conybeare) suffered from a pest not necessary for me to describe. Beyond this were the experiences related in Committee by the hon. Member for South Armagh (Mr. Blane), experiences which formed a formidable indictment against the prison officials and prison administration—an indictment to which, I am sorry to say, the Chief Secretary did not see fit, so far as the Debates are reported in *Hansard*, to return any reply. In answering the strong *primâ facie* case for inquiry, what course did the right hon. Gentleman take? He scoffed at the rumours, denied or minimised the facts and scouted the inferences based upon them, and, mounting the high horse, rode off on a side issue, denouncing, in most vehement terms, those Members of the House who had seen fit, or dared, as he put it, to question either the competency or the integrity of the medical officer of the gaol, and who had dared to hint that any of the responsibility for what had occurred should be brought home to his door. The right hon. Gentleman, in the first instance, relied on the information given by the officials, and when further pressed he relied on the Report made by Dr. O'Farrell, the Medical Officer of the Prisons Board, in which the right hon. Gentleman professed to find ample refutation of all the allegations made against the condition of Derry Gaol. The complaints were that the cells were unhealthy, that the prison arrangements were not such as to ensure cleanliness, and that the whole of the drains were in a bad condition, and likely to create sickness. But, after the Debate, the right hon. Gentleman, though professing to see no ground to doubt the condition of Derry Gaol, and, therefore, no ground for granting an Inquiry, said that, in order to allay apprehension on the subject, he would have the state of the gaol inquired into by an independent official of the English Prisons Board; and the result is that we now have the Report of Major Beamish before us. With regard to the cells in Derry Gaol, it is found, according to this Report, that the ventilation is excessively insufficient, and that, in consequence, the prisoners confined there must suffer from the effects of bad air or from draughts; while it is evident that the arrangements are not, in all cases, such as to ensure cleanliness, and, although the question of the sewers is dealt with in guarded language, it is abundantly clear that they are not all they ought to be. I do not now propose to enter into the question of the sanitary arrangements of Derry Gaol at any length, though, if the right hon. Gentleman wishes it, I am quite prepared to do so. But the significance of this Report is thrown into the shade by the admissions made by the Prisons Board attached to the Report of Major Beamish. Hon. Members who study the question will find that quite sufficient justification is made out for the action taken by those who raised this question last year, and that, in point of fact, there is substantial confirmation for every complaint then brought argainst Derry Gaol. The General Prisons Board give away the whole case in the first few words of their remarks. They say—

> "This gaol is one of the old type, and is so constructed that unless it be entirely levelled and rebuilt, it would be impossible to adopt it to the latest requirements as regards size of the cells, ventilation, and sanitary arrangements."

Can any more sweeping condemnation of the whole arrangements be well imagined? The Prisons Board also say that, in the future, they do not propose to confine within the walls of the gaol any prisoners sentenced to terms exceeding three months, while in many minor respects they have seen fit to adopt the recommendations of Major Beamish. Therefore, I say that hon. Members who brought forward complaints as to the state of this gaol last year were completely justified in the course they took. I now wish to ask the right hon. Gentleman whether he intends to continue to confine prisoners in a gaol which is found to be so unhealthy, and by what process of reasoning it is considered justifiable that prisoners whose offences are so small that they are sentenced to less than three months' imprisonment, should be kept there at imminent peril to their health, while those whose guilt is far greater are to be sent to more healthy establishments? I put it to the right hon. Gentleman whether, in view of the observations of the Prisons Board, he

cannot see his way to have this gaol closed for the time being, so that it may be re-constructed in conformity with the sanitary principles applicable to modern gaols.

(8.10.) MR. A. J. BALFOUR: I must remind the hon. Gentleman who has just sat down that the accusations he has made are not the same as were brought forward on previous occasions. The prison is undoubtedly an old one, and many of the cells are not equal in size to those that are to be found in modern prisons. All that is required at present is that the number of prisoners in Derry Gaol should not be such as to necessitate the use of the small cells. With regard to the case of Cleary, I may state that it was by his own express wish that he had been discharged from hospital. I assume that his was a case of very rapid consumption. With regard to the prison chaplain to whom the hon. Member for South Donegal has referred, it should be remembered that the chaplain of a gaol is an official of the gaol, and when the Prisons Board had to hold an inquiry the chaplain in question refused to give information, which, as chaplain of the gaol, it was his duty to give. It was, therefore, obviously impossible that he should be allowed to remain. The Bishop, or the gentleman who acted for the Bishop at the time, refused to appoint another chaplain, and the result was that the Roman Catholic prisoners in Derry Gaol had been deprived of the services of their religion. It appears to me that that concerned not so much the Prisons Board as the Bishop of the diocese. At all events, no other course than that which they have taken was left open to the Board.

(8.14.) MR. J. G. FITZGERALD (Longford, S.): It is impossible in the course of a single evening, to say nothing of a mere two or three hours, to travel over the whole of the barren waste of the Irish prisons question. During the *régime* of the right hon. Gentleman the prisons of Ireland have been filled to overflowing, and, unfortunately, many of those who have been confined in them are now dead, and it is the duty of the Irish Representatives to ask the Committee of this House for some consolation for the relatives of those persons, and to press for some guarantee that in future those who are sent to these places shall not be dealt with in the same way as those whose lives have thus been sacrificed. When we were upon this Vote last year it was my duty to direct attention to the sanitary condition of Derry Prison. Owing to the state of the prison it became necessary for the Government to institute a special inquiry, which was carried out by the successor of Dr. Barr, as representative of the Irish Government. The right hon. Gentleman still undertakes to say that Derry Prison is a healthy prison. Here is the Report of Mr. O'Farrel. He says—

> "A careful examination of the sanitary condition of this prison has satisfied me that there is nothing in the condition of the prison which could in any way be injurious to health."

I apprehend that the Chief Secretary, when he made his statement to-night, had in his mind the Report of Dr. O'Farrel rather than the Report of the English Inspector, Mr. Edward Beamish, who says, in this prison three Irish prisoners have to put up with 1,592 cubic feet of air, whereas in an English prison one prisoner gets 1,200 cubic feet. He reports that there are 75 square inches of space for the inlet and outlet of air in the Irish cell, whereas in the English cell there are 108 square inches. With regard to the drainage of Derry Prison, he reports that the soil pipe is not trapped, and that it is defective, and states that one of the dust-holes has been left uncleaned six months at a time. Is there any reason for the Chief Secretary standing up and declaring, on the authority of a Report made 12 months ago, and now clearly discarded, that this prison, really a pest-hole, is in a sanitary condition. If any hon. Member is satisfied to live in a residence in which the soil pipe is untrapped, and if he is prepared to say that no sewer gas passes up through that pipe, then I say that he has arrived at a lamentable state of sanitary knowledge. I am perfectly sure that the right hon. Gentleman must have been misled by the Report of Dr. O'Farrel, and forgotten altogether the Report of Mr. Beamish. The prison is apparently condemned by the Prisons

Board, and is said to be only worthy of being razed, that a fitting receptacle for prisoners may be erected. But I am not so much concerned with the sanitary condition of the prison as with what happened to the prisoners confined there. I do not wish to rake up old sores, but this House is the last Court of Appeal to the humblest in the land, and we ought not to forget, because a few months have passed, the poor people who have been done to death. It is certain, Mr. Courtney, that in a prison where there is not sufficient air, and in which the drainage is defective, the disease will be generated of which the prisoners died in Derry. Last year I made the charge that Dr. O'Farrel had issued a garbled Report in order to shield Sir William Miller. The Report of Mr. Beamish enables me to drive that charge home. I assert that Sir William Miller is an incompetent physician; that he did not treat these poor prisoners with inhumanity, but that he treated them wrongly on account of his ignorance and incompetency; that he saw these prisoners day after day, and hour after hour; and that he actually did not know the disease from which they were suffering. And I accuse Dr. O'Farrel, if he did know, of not having stated it in his Report. We have the case of four prisoners, two of whom died, one got well, and the fourth, a woman, left the prison with typhoid fever and afterwards died. It was stated in the Report of Dr. O'Farrel that there had never been any typhoid fever in the prison for 10 years. I do not see how else it could have been, seeing that Sir William Miller always took care to turn out every prisoner before he found out what was the matter with him. It has been actually proved, beyond yea or nay, that he did turn out one man, who died on the roadside, though he had known, from the evidence of the warder, that the man had been delirious the night before. We have heard, though it is hard to conceive, that any professional man should still be retained in the service even of the Government of Ireland after hearing such a statement, that in the case of one man he would allow him to go 12 days without knowing what was the matter, and without using that instrument which would have told him at once the nature of the disease—the thermometer. I charge the Government with being party to the murder of three persons. I say that Sir William Miller did not know what was the matter with them. I say they had typhoid fever with pneumonia, and that, in consequence of that disease, generated in this fever den, they died. On behalf of those poor dead people and their friends I protest in this House. If they want to kill people let them do it in the open like men and not put men in those fever dens which generate disease and end in death. I charge them not to put these fever dens in charge of men so incompetent that they will not have a dust-bin cleared out once in six months. Another case I would allude to in the hope of getting some satisfaction from the right hon. Gentleman is that of Jasper Tully, of the *Roscommon Herald*, who was confined in Sligo Gaol for four weeks for a Press offence under the Crimes Act. I put a question to the right hon. Gentleman about the case, and asked why Mr. Tully was removed from Sligo Gaol to Tullamore, but he did not give me a very precise answer. I shall, perhaps, be in order in calling the attention of the right hon. Gentleman to the fact that the recent Commission which was appointed to inquire into the grievances of prisoners in Her Majesty's convict prison at Chatham—where prisoners are detained for treason-felony, and where there are many who have received the dreadful sentence of penal servitude for life—recommended that prisoners who had committed offences at a distance from home, though they were confined in gaols nearest to the places where the offences had been committed, should be allowed to receive letters in lieu of visits from their friends. The Commission found that it is undoubtedly a dreadful hardship for prisoners who have committed offences in certain places to be moved into penal servitude at great distances away, because such prisoners cannot receive the visits from their friends to which they are entitled. I say that there was ample accommodation in Sligo Gaol for Jasper Tully. He has made no complaint, but if he had been confined in the district in which his offence was committed, he would have been able to receive visits from his friends. We say

it is a piece of petty spite on the part of the Prison Authorities to remove him to Tullamore, and so deprive him of the visits of his friends. I think the right hon. Gentleman ought to give us some satisfaction on this point. I am bound to say I get very little satisfaction either from the right hon. Gentleman the Irish Attorney General or the right hon. Gentleman the Chief Secretary. Probably it is because I speak so little in this House, and I am sometimes inclined to think, notwithstanding the persuasion of hon. Friends who sit around me, that one day I shall have to commence and be troublesome and keep the right hon. Gentlemen and their Friends here until morning unless they give me the satisfaction on these points for which I am entitled to ask. In connection with the case to which I have referred a warder was dismissed. He asked what he was dismissed for—whether his conduct had not been good—and he was simply told that though his previous conduct and character had been perfectly right he was to be dismissed. We want some assurance from the Government that this man will be restored to his position, or if not restored that he should have some compensation for having had his character damaged by being dismissed summarily without being told what his offence was. (8.45.)

(9.11.) Vote agreed to.

CLASS IV.

2. £518,316, to complete the sum for Public Education, Ireland.

3. £370, to complete the sum for Endowed School Commissioners, Ireland.

4. £1,701, to complete the sum for the National Gallery of Ireland.

5. £8,457, to complete the sum for Queen's Colleges, Ireland.

CLASS VI.

6. £2,362, to complete the sum for Pauper Lunatics, Ireland.

7. £9,678, to complete the sum for Hospitals and Charities, Ireland.

CLASS I.

8. Motion made, and Question proposed,

"That a sum not exceeding £182,873, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Erection, Repairs, and Maintenance of Public Buildings in Ireland, for the Maintenance of certain Parks and Public Works, for Drainage Works on the River Shannon, for Payments under 'The Tramways and Public Companies (Ireland) Act, 1883,' and for Expenditure under 'The Light Railways (Ireland) Act, 1889."

(9.15.) MR. T. M. HEALY: I think it would be well if the right hon. Gentleman the Secretary to the Treasury, who, I presume, will be in his place in a moment, would upon this Vote make the statement which I understand he is prepared to make. It is being looked forward to with considerable interest in all the countics in Ireland, and I imagine that sufficient time has now elapsed to enable him to speak with fulness and completeness. Various complaints are made with regard to the conduct of certain contractors in Ireland who have been sitting in one part of the country as Judges and acting in another part of the country as contractors. A gentleman who has acted in one part of the country as a contractor sits under a Judge who has acted as a contractor in another part of the country. Each gentleman contracts and judges in rotation, and in this way the contractor of one man can be the judge of another, and the judge of one man the contractor of another. This state of things has given rise to great suspicion on this side of the House. I have no doubt, however, that the right hon. Gentleman will be able to remove from our minds the suspicion we not unnaturally entertain of this sort of procedure. It is hardly necessary now to go into the matter with any minuteness.

*(9.20.) THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): Questions have been put in the House with reference to two lines which were inquired into by a Court of Inquiry appointed by the Board of Works under their statutory powers, and reference has also been made to two engineers who were appointed as members of the Courts, and who, I believe, have enjoyed a reputation for professional ability and skill, and as being men of great experience in

connection with railways in Ireland. When the Courts of Inquiry had to be constituted, the Board of Works had to consider first the securing of the services of men who were thoroughly competent to discharge the duties. It would be almost impossible to obtain the services of any engineer of eminence in Ireland and of great experience in connection with railways who had not been at some previous time connected with one or other of the schemes which had been brought forward from time to time. It was important to secure the services of men who had experience, and it was the object of the Board of Works to select for the office of engineers men in whom they had confidence, and men whose opinions they believed would carry with them the confidence of the public. They had only one object, and that was to secure men who were competent and whose opinion would carry weight. It is true, no doubt, that two of the engineers who were selected had been connected in previous years with schemes for railways, two of which formed part of the schemes brought forward under the Act of last year. It has been said in the case of the Donegal and Killybegs line that the line was reported on by an engineer who, although not connected with that particular line, was interested in a line which had been promoted in County Galway, which it was said was reported upon by an engineer who was interested in the Donegal line. This is not quite correct. The scheme put forward of the line from Donegal to Killybegs included a branch from Inver to Glenties. The Court of Inquiry decided that it was not desirable to approach Glenties by means of the Donegal and Killybegs line, and that portion of the line was struck out of the scheme. The line was further altered by the Court of Inquiry because the limits of deviation were altered at the Killybegs end of the line; and I believe that those alterations of deviation were deemed to be great improvements in the scheme as put forward. The line, as approved, was approved by the Court as a whole, and I think that no one who knows the district can fail to come to the conclusion that the line from Donegal to Killybegs is one which will serve a useful purpose. It travels from Donegal through a district which is capable of considerable improvement, and at Killybegs it is possible to develop the fishing industry. I think that if this line is constructed it will prove to be a useful one for the fishing industry, and the development of the district. It also taps a district to the South-West of Donegal which, according to certain maps which have been prepared, is shown to be one of the most congested districts of Donegal; and it brings within reach the whole of that congested district of South-West Donegal. As to the Galway and Clifden line, I think that every one is agreed that the communication between those two places is essentially necessary, and that that communication should take the route *vid* Oughterard. I have had the advantage of driving over a considerable portion of the route of this line, and I may remind the Committee that the project has been before the public for a great many years. I believe that in 1883 this line was promoted in competition with another line, and that it obtained the presentment of the Grand Jury in competition with another line which followed almost the same route. Following the presentment of the Grand Jury, the question was again fought out before the Privy Council, and the line which was in competition with it at that time was practically withdrawn. There has been a new and further inquiry, and several lines have again been brought forward and carefully inquired into, the inquiry being presided over by Sir John Ball Greene, the Commissioner of Valuation, and again after full and complete inquiry——

MR. T. M. HEALY: When was Sir John Ball Greene's inquiry?

*MR. JACKSON: On the schemes recently brought forward under the Act of 1889.

MR. T. M. HEALY: When?

*MR. JACKSON: This year. The same result has been brought about this time. After full and complete inquiry, and with sworn evidence taken relating to the various schemes, because there were at least three courses open: one to follow the coastline from Galway, and then work up to Clifden, and two lines *vid* Oughterard, and following inland through the country, the Court of

Inquiry decided that the line which had obtained the presentment of the Grand Jury was the best line put forward. The facts that the Courts of Inquiry were composed of men of eminence and reputation, that they had no other object but to find the best possible route for serving the districts through which the proposed lines would travel, that they came to the conclusion that the lines selected are the best for the purposes desired, and the fact also that these lines obtained the presentment of the Grand Jury, must carry weight. I need not go into the question of the evidence of the engineers, men of high position in their profession and character to command confidence, and the Committee may dismiss from their minds any doubt as to interested motives or bias in the minds of the engineers in favour of any particular route. With regard to the carrying out of those schemes, it has been the object of the Government, as far as possible, to secure the lines which are best calculated to serve the districts and counties through which they travel; and, secondly, as far as they can to secure the counties against future liability. I will not say they shall be entirely free from liability, for, as the Committee is aware, a baronial guarantee is given under Section 10, carrying with it liability for future maintenance and working. It has been, and still is, the object of the Government to secure, if possible, in every case where it is practicable—I do not say it is possible in every case—that the lines shall be entrusted to some contractor or company capable of carrying out the work in a satisfactory manner, and again, as far as possible, to make the working arrangements of the lines, when they are constructed, such as will relieve, if not entirely, at least as far as possible, the districts from further liability. I hope, therefore, that the Committee will place some confidence in the Government in connection with the schemes, because I need hardly say that the hands of the Government will be very much tied if they are called upon to declare absolutely they will make certain lines in any case or under any conditions. It is very desirable that the hands of the Government should be free to negotiate in the interests of the counties, so as to secure, as far as they can, by a first payment, the construction of the lines in a satisfactory manner, and so that they may endeavour, as far as possible, by that first payment to secure the counties from further liability.

MR. T. M. HEALY: Has any arrangement been arrived at with the Midland Great Western with reference to the lines?

*MR. JACKSON: With reference to the Midland Great Western, the district of that line covers not only the Galway and Clifden line and the means of communication between Westport and Mulranny and Ballina and Killala, but also the Mayo lines, and these would make a junction with the Midland Great Western. It has been the desire of the Government to ascertain whether it is possible to enlist the full and complete co-operation of the Midland Great Western Company with regard to the construction, working, and maintenance of those lines. The negotiations, however, are not complete, and it would not be in the interests of the districts or counties concerned that I should be called upon at present to enter into details. I trust, therefore, that the Committee will accept what I have said as an assurance that the Government are doing their utmost in the interests of the districts affected; and I am not without hope that they will successfully accomplish their object. There are other lines, and I would indicate those which the Government think it desirable should be made. In indicating those lines I would again impress on the Committee the extreme importance, not only to the Government, but to the districts concerned that the Government should have a free hand for their negotiations, and should not be hampered by unnecessary pledges, in order that they may be able to make the best bargain they can. Subject to the reservation that before any of the companies promoting a line can go for an Order in Council it must obtain the assent of the Government, and the arrangements must satisfy the Treasury. I may tell the Committee the lines the Government think may be aided or ought to be aided and carried into practical operation. There is a line projected from Baltimore to Skibbereen,

and I need not point out that Baltimore is already a very important fishing station for a district in which the fishing industry has been largely developed by the great energy of Father Davis and others, aided as they have been by the munificence of Lady Burdett-Coutts. It is desirable the line should be made from Baltimore to Skibbereen, and I believe it will be possible to make satisfactory working arrangements with the adjoining company, the Cork and Bandon Company. Subject to this, I hope matters will before long be in such a condition that the work may be entered upon. There are also two lines in Kerry, both of them important, and in districts which it is desirable to open out—the Headford to Kenmare and the Killorglin to Valentia lines, both travelling through districts where the burden of rate is as heavy as anywhere in Ireland, and I assume that satisfactory arrangements will be made for the construction and subsequent working of the lines, and also with the companies with which the lines will be brought into connexion. I have, then, referred to the line from Galway to Clifden, and to the two lines in Mayo—Westport to Mulranny and Ballina to Killala—as railways the Government are anxious to see constructed. There are also two lines in Donegal, the Stranorlar to Fintown, possibly to Glenties, and the Donegal to Killybegs lines —and possibly a line from Buncrana to Carndonagh in the north-east of the county—to which I will refer. The line from Stranorlar to Fintown has been recommended as having received the approval of the Grand Jury, and the entire facts show that it is desirable that some means of communication should be given to what I may call the northern or the north-west portion of Donegal. It may become a question whether the line from Stranorlar should stop at Fintown or Glenties. Fintown is the point of junction with the southern portion of what is, perhaps, the second most congested district of Donegal; it was within easy reach, or six or seven miles, of a very large and much congested district. The line proposed to be made is a narrow gauge line, corresponding with that from Stranorlar to Donegal, now in existence, and the proposed line from Donegal to Killybegs, and it does appear to me essential to the harmonious working of the whole of these lines that the arrangements should be under one Board of Management. It is obvious that this would be a great advantage, because one management would arrange suitable times for trains through each district, and the rolling stock would be of the same type, and available for one line or another, according as interchange might be necessary to meet emergencies. This is one object the Government keep in view. There is a short line from Downpatrick to Ardglass, with respect to which I have received a deputation representing the district. Certainly Ardglass is an important fishing port. The County Down Railway Company are promoting this line, and I learn that the Grand Jury have made a presentment, which the Railway Company is prepared to accept; and I hope that arrangements may be made for the construction of this line and its working and maintenance by the County Down Railway Company, without any further liability being thrown on the county. These schemes will involve a total expenditure of between £800,000 and £900,000. I know of no reason when the basis of an agreement is satisfactorily settled—and I may say that to this end we have been for some time working — when once a satisfactory agreement is come to with respect to two or three of these lines, why it should not form a basis of negotiation in the other cases. There are one or two other lines it is desirable should be made if money is at our disposal. One is a short, but costly, extension from Bantry to Bantry Pier. I hope it may be possible to come to arrangements for the making of that communication. There is another projected line from Buncrana to Carndonagh, promoted by the Louth Swilly Company, about which I also hope that some satisfactory arrangement may be made. It is certainly desirable that further means of communication should be provided for the north or north-western portion of Donegal. If the Government can make arrangements by which the lines indicated can be constructed and worked, a very important step will have been taken in the opening up of these districts, and establishing communications with some of the most congested districts in Ireland. I hope

that some of the lines will be promptly made, and that the results will soon be seen in an improvement in the condition of the people.

(9.53.) COLONEL NOLAN (Galway, N.): We have had a clear, and, I think, upon the whole, a satisfactory statement from the right hon. Gentleman. ["No, no."] Those expostulations come from Members who represent what cannot be called the congested districts. There can be no doubt the lines indicated will be of great benefit to Ireland. There is an immense amount of fishing undeveloped, because no market is available. There is in Connemara a mining industry in copper and lead unemployed for want of the assistance which only the railway can provide. You may say there is means of transit by sea, but it is perhaps the most stormy coast in the world, and internal means of communication are absolutely necessary, and in times of famine and scarcity the lamentable condition of these districts is felt throughout all Ireland; and, indeed, the whole of the Kingdom. I do not believe it is possible for the Government to take any step in Irish administration that will give more satisfaction than this opening of the congested districts by railway communication. I know some of the districts referred to, and my attention has been specially drawn to the Connemara lines. I appreciate the attention the right hon. Gentleman has given to proposed lines there, and his desire to be fair as between the conflicting interests in carrying on negotiations. My only fear is from want of expedition in arriving at a conclusion. Some of these lines were projected four years ago by the noble Lord the Member for Paddington (Lord Randolph Churchill), and yet in Connemara absolutely nothing has been done. The Galway Grand Jury met to-day, but I do not know that they were expected to take any action to-day, and if the Report of the Grand Jury is to wait until next March, and then goes before the Privy Council, work may be deferred for another year. I would beg the Secretary to the Treasury to expedite the negotiations as much as possible. As to the particular line through Connemara I am perfectly neutral. I know the feeling is strong among the clergy there, and owners of property, in favour of the Oughterard route, and the whole question has been well thrashed out. I am only anxious that the decision should be carried outat once. My only fear is that the negotiations between the three bodies, the Treasury, the Grand Jury, and the Midland Great Western Company may break down. So far as I know the district, I do not care which plan is adopted, only I am anxious the line should be made at once, and I think I may say that if the Government act with expedition there will be few people who will not endorse their action. The Midland and Great Western Railway Company required a guarantee of £30,000 or £40,000 for the district. But a poor district does not like to guarantee more than the working expenses; they prefer to do that than to pay a lump sum. There are three other constituencies in the county, and two out of the three are making railroads of their own, and will naturally not derive much benefit from this scheme. But this I may say: I hope that the Treasury will use expedition. When they do right they ought to be praised, and in this thing they have done what is right and generous, but the value of their action will be lost if they allow the work to be put off from year to year.

(10.2.) MR. W. REDMOND (Fermanagh, N.): I cannot altogether agree with my hon. Friend who has just spoken. Of course, the statement of the Secretary to the Treasury is, to some extent, satisfactory. It is well to know that the Government intend to do something of the kind, but, considering how long they have had it in hand, I think we ought to have a little more definite statement as to the intentions of the Government. I think that in all probability they will fail in their designs. I maintain that if the Government really want to have these districts opened up, and if they wish to secure the prosperity of these places, they would allow us to do these things ourselves. Over and over again have different Governments embarked on enterprises of this kind. Large sums of public money have been mis-spent and

wasted through the incapacity of the Treasury. Of course, I shall be very glad to see anything done for the benefit of these districts, which have been so shamefully neglected such a long time by successive Governments. But, in my opinion, they never will be benefited until we have a Government of our own.

(10.9.) MR. CLANCY (Dublin Co., N.): Four years have now elapsed since the Leader of this House and the Chancellor of the Exchequer announced a great policy of light railways for Ireland, but up to the present time not a single penny has been spent. It is now nearly six months since the inquiries into these light railway projects were completed, and since then the right hon. Gentleman and his Board of Works in Ireland have been making up their minds which lines to promote. Had we a Parliament in Dublin we should not have wasted so much time; but when matters of this sort are left to strangers, and to strange officials, the schemes are naturally put off Session after Session. Now, I desire to-night to protest against the adoption of one of these schemes. During the last few months I have asked several questions about the projected Killybegs and Donegal line, and also about the Galway scheme. I say nothing about the latter, because I am extremely impressed with the desirability of some line being constructed in that district. But I may say I wish some engineer other than Mr. Barton had promoted the line.—[An hon. MEMBER: Mr. Price.]—It does not matter whether it was Mr. Price or Mr. Barton. They have been working this thing together, and the line promoted by one in Donegal is reported on by his confederate, while the other promotes a line in Galway which his confederate reports upon. This is the real gist of my complaint against the Government. They have a large number of engineers they can select from, but they actually choose two gentlemen who are personally pecuniarily interested to report on lines promoted by each other. I think that that is a scandalous thing, which requires explaining by the Government. Now I come to the question of the Donegal and Killybegs line, which is one of the most scandalous jobs ever perpetrated in my memory. In the first place, the line is being promoted by the West Donegal Railway Company, which is notoriously insolvent, and the sub-section of the Act passed last year, which forbids the granting of laws to a company of that kind, has been violated in this case. The Royal Commission reported against this line last year, but when I questioned the right hon. Gentleman on that point he told me the Report was against the route, and not against the line. But what is the difference? The Grand Jury are in favour of a different route, but because that is convenient for a noble Lord, who is a supporter of the Government, it is to be carried out. It is said that it will serve a congested district; but the only congested district that it is near is that of Glencolumbkill, and that district is separated from the proposed line of railway by a high range of mountains. It is equally absurd to say that this line will be of any use in developing the fisheries. From a Report which was issued a few days ago we find that in the Killybegs division there are 142 fishing boats and 817 fishermen registered. But this relates to no less than 135 miles of coast, whereas the railway could only serve about 15 miles. If that fact cannot be disputed, what justification is there for the adoption of this route? I invite the right hon. Gentleman to deny the accuracy of the facts I have stated. But that is not all. This line is in competition with the Stranorlar line, which has been unanimously approved by the Grand Jury of Donegal, who have passed a guarantee for the working expenses of the line. Then there has been no opposition to this line from any quarter whatever, while it has been officially declared that upon its merits the line is superior to any other line which could be constructed in the district. Yet the Treasury prefer to adopt the Killybegs scheme, and reject this Stranorlar line. I call on the Secretary to the Treasury, if he can, to explain this proposed scandalous waste of public money.

(10.23.) MR. A. O'CONNOR (Donegal, E.): Before saying a few words on the Donegal scheme I desire to recall to the House the fact that we are not now

discussing the appropriation of money from the British Exchequer. We shall, no doubt, hereafter be told of the ungracious way in which the Irish Members accepted or declined to accept British money for the development of Irish resources. But this is not British money. It is Irish money. No British money is spent in Ireland, nor has any been spent since the Union; on the contrary, Ireland has for years overpaid its fair proportion to the British Exchequer. What the landlords draw from Ireland is but a small portion of the money taken out of the island. The money now under discussion is Irish money, and who are to be the arbitrators of the manner in which it shall be expended? The right hon. Gentleman the Member for East Manchester and the right hon. Gentleman the Member for North Leeds, while the Members for Ireland are to have no effective voice in its appropriation. The history of these schemes is in itself sufficient to convince all reasoning men of the utter inability of the English portion of this House to administer the affairs of Ireland. What does this particular scheme, however the details may be carried out, involve? It involves a certain charge on the cesspayers of Ireland. One would have considered it was the initial duty of the Treasury, before sanctioning a scheme involving such a charge, to ascertain the condition of cess in the county of Donegal. If they had done so they would have found that in some portions of Donegal the cess is two years in arrear. Within the last week the Grand Jury have passed a resolution that they are unable to undertake any new works for want of money. How can the Government expect to get a contribution equal to 5 per cent. of the cess for Donegal over and above what the people there are now paying? You cannot do it. How can the Government bring forward schemes which will further increase the burden of the cesspayers? I wash my hands of the whole scheme. In the name of my constituency I protest against any further imposition in the shape of cess being thrown upon it.

(10.28.) MR. A. J. BALFOUR: The hon. Gentleman is much more anxious to preserve the interests of the cesspayers than are the cesspayers themselves. He knows perfectly well that if the proposed lines in this country were abandoned no people in Donegal would be more bitterly disappointed than those whom he represents.

MR. A. O'CONNOR: I am prepared to take that responsibility.

MR. A. J. BALFOUR: The hon. Member said we were dealing with Irish money. But the hon. Member was a party to the Home Rule Bill of the right hon. Gentleman the Member for Mid Lothian and to the financial arrangements embodied in that Bill. As the hon. Member himself will perfectly know, England and Scotland will pay not merely two-thirds but five-sixths of the whole money given.

MR. T. M. HEALY: What about the Union?

MR. A. J. BALFOUR: I presume the hon. and learned Gentleman is referring to what occurred in 1800.

MR. T. M. HEALY: 1815.

MR. A. J. BALFOUR: I am alluding to a much more recent transaction—to what occurred in 1886. Both the hon. Gentleman who interrupts me and the hon. Gentleman who has last spoken must be perfectly well aware that they were not merely consenting parties, but enthusiastically consenting parties to the financial arrangements embodied in the Bill of 1886 between the two countries. That being so it does not lie in their mouths to say that the money now voted out of the Imperial Exchequer is Irish and not British money.

MR. A. O'CONNOR: The right hon. Gentleman has not the least ground for saying that or anything like it. I was not only not an enthusiastic supporter of that portion of the scheme, but it was distinctly understood among our own ranks that that was open to Amendment.

MR. A. J. BALFOUR: Yes; but I never heard it stated to Home Rule constituencies in England that one of the incidents of Home Rule would be that Ireland would bear much less than its present share of the common burdens of the two countries. I learn that now for

the first time. I am very glad to learn now that an integral part of the policy of hon. Gentlemen opposite is to make the Home Rule Bill an occasion for greatly increasing the burdens of the English taxpayer and greatly lightening the burdens of the Irish taxpayer. Now, on the question of the charge on the cesspayer, I would point out to hon. Gentlemen that one thing to be aimed at in this Bill, and in the negotiations, is to diminish as far as possible the charge on the Irish cesspayer. It was a necessary incident of the Tramways Act passed in 1883 by the right hon. Member for the Bridgeton Division of Glasgow that a great charge should be made upon the cesspayers in any district where tramways or light railways were carried out. We felt, as we still feel, the evils of that system. We felt when we passed the Bill, and we still feel, that the more we can make arrangements by which the liability of the cesspayer shall be diminished, and the responsibility of working those lines shall be thrown on independent companies, the better it will be for the future of the districts through which the railways pass; and when the Government are reproached for delay I would remind the hon. Member that that delay is due to our anxiety to form such arrangements with responsible railway companies as will relieve the cesspayer of that particular liability which the hon. Member for Galway complains of. The hon. Member for North Dublin told the Committee that if he had had the management of this affair, or an Irish Parliament had had the management of it, the whole thing would have been settled in a month. If so it would have been very badly settled. I am perfectly confident, from my knowledge of the negotiations that have been carried on upon this matter, that, if the Government had come forward and said that whatever anybody else might do they were determined to have a railway constructed between this point and that point, the railway would have been constructed, but a very great and unnecessary expense and a very superfluous burden would have been cast on the cesspayers of the district through which the railway passed, and it was in the interest not of the Government but of the cesspayers that the delay occurred. The Committee knows, or the Committee might know, that localities do not look very far ahead in these matters. Provided they can be assured that a certain number of hundreds or thousands of pounds of public money are to be spent in the course of two or three years on works of public utility, they are apt to shut their eyes to the question of future liability. I am afraid examples of that have already occurred in Ireland, and if it were not for the care exercised by the Government in spending the money voted last year, such cases would be multiplied. Only to-day a question was asked across the floor of the House regarding a threatened strike against a cess voluntarily accepted by the locality under the Act of 1883. Whether our efforts will or will not be found a success I at all events claim for my right hon. Friend and myself that both in framing the Bill and in carrying it out we have never for one instant lost sight of the absolute necessity of trying to frame these schemes in a manner which shall, as far as possible, relieve the localities of future liability. The hon. Gentleman has told us that four years have elapsed since this policy was announced. Why, the Bill under which we are now acting was only passed last year, and that it was not passed some years before was no fault of Her Majesty's Government.

MR. CLANCY: You did not bring it in until last year.

MR. A. J. BALFOUR: I am perfectly aware of that. The hon. Gentleman is unable to restrain his ardour for interruption. It was not brought in until last year. Why? Because the House was occupied in carrying out in other Departments the policy of my noble Friend the Member for Paddington. And when it was brought in last year does not everybody know that it was only with the utmost difficulty, in face of the opposition given to it by Members sitting on the other side, that the Government were able to carry it into law? This measure has been truly described by the hon. and gallant Member for North Galway as one which is likely to do more good than any other which has been passed, yet it was carried with the utmost difficulty against the opposition

of hon. Gentlemen on the other side of the House—["Oh"]—some of them; I do not say all. The opposition set up came from the other side of the House, and I am afraid the reception which my right hon. Friend's statement has met with shows that, whether the Government succeed or not in benefiting the districts through which these railways are to pass, we shall not earn the gratitude of those who profess to represent those districts. With reference to the criticisms upon the scheme for constructing a railway from Donegal to Killybegs, I have only to reply that it does not require 15 miles of coast line to justify you in making a railway for the purpose of assisting a fishing industry. Whether a line is or is not fitted to encourage such industry does not depend on the length of coast along which it passes. ["Bosh."] I should have thought that was elementary knowledge—but on the character of the harbour on which it abuts and its capacity for supporting a fishing population. This line meets the West Donegal line. The hon. Member told us that the West Donegal lines are bad. I cannot pretend that they are strong; but I believe the proposal to join the lines, thus giving control of a common rolling stock, will do much to improve their prospects. With regard to the proposed line for Stranorlar, it was not proposed to carry that beyond Glenties. That is a question which not only depends upon the character of the country, but upon the total amount of money we have to deal with. How the money will be disposed of must depend upon the careful consideration of the circumstances of the case, and it is not necessary nor even advisable that we should commit ourselves to additional lines beyond Glenties, until we know what other claims we shall have upon us. I will not pretend to be disappointed with the reception which my right hon. Friend's clear and able statement has met with from hon. Gentlemen opposite, but I am nevertheless convinced that nothing has yet ever been proposed for the benefit of the population of the West of Ireland which is more likely to develop their resources, and in a healthy, salutary manner enable them to develop the industries and capacities of the country which they inhabit. I trust that whatever hon. Gentlemen may think it proper to say in this Committee, they will not, at all events, throw any substantial obstacle in the way of the Government carrying these schemes into effect.

(10.55.) MR. T. M. HEALY: The right hon. Gentleman, in consequence of the remarks of my hon. Friend, has entered into a discussion of the Home Rule Bill of 1886, and the financial arrangements made thereunder between the two countries, with a species of ingenuity that is his own, and I find it difficult, Sir, to deal effectually with a subject which he has discussed to-night in such a remarkable manner. That we are dealing with Irish money and not Imperial money cannot be doubted. When our country was swindled at the time of the Union it was only paying on a debt of £12,000,000. It is now paying on a debt of £600,000,000 or £700,000,000. I maintain that since 1852 or 1853, when Ireland was first obliged to pay Income Tax and increased Spirit Duty, she has paid to England a sum greater than that paid by France to Germany for the War Indemnity. When, in consequence of the discussions on this year's Budget, you found yourselves obliged to appoint a Committee to inquire into the fiscal relations between the two countries, is it surprising that we, with our strong sense of grievance on this matter, should declare that this is Irish money which you are now dealing with, and is only a portion of the restitution which you should make in much larger measure towards Ireland? I decline at the present moment to discuss what are the transactions which we had hoped to see carried out under the Home Rule Bill. That is a matter which we shall be able to deal with when the proper time comes. In spite of the seductive invitation of the right hon. Gentleman, who sat down twice in order that he might get himself interrupted, I refuse to insert in the interstices of this Debate a discussion as to what were our views, and what were our objections to the Home Rule Bill. I altogether deny the statement the right hon. Gentleman has made that, but for the care and anxiety of the Government, the localities would have compensated themselves to a much larger extent than they are able to bear.

The right hon. Gentleman has stated that under the Tramways Act of 1883 the localities, which gladly and freely entered into fiscal arrangements, are now threatening to strike, in consequence of the grievous burden. Now, if there ever was a case capable of confutation it is that; and if the right hon. Gentleman had considered his words for a moment he would not have advanced it, because the localities which entered into these arrangements had no more to say to them than the people of Laputa. The gentlemen who passed these schemes were the Grand Jurors, who do not pay a single shilling of the rates. All they want is to have railways running up to their doors, and other people to pay for them; just as the magnificent walls which are built around their estates, and which excite the wonder of all who see them, have all been built out of the rates imposed by the Grand Jurors, who always put these jobs on the counties when they can. It is only within the last 40 years that the people have asserted themselves and traversed this state of things, and, for my part, I would say that, bad as the Grand Jurors are, I should not be afraid to trust them with the entire administration of the Tramways Act, if the rates were equally divided between the owner and occupier. If this were done the Government would as easily get a milestone to dance as get a Grand Juror to pass a tramway scheme. The right hon. Gentleman has excused himself by saying that the ratepayers are willing to undertake these great and heavy burdens. That I altogether deny; but, at the same time, I am not prepared to say that the Government have not considerable difficulty in dealing with this matter. Indeed, I will not criticise the attitude of the Secretary to the Treasury in regard to the Midland Railway, either in Galway or in Mayo. But this is quite apart from the question of the delays, which I think has been needless. I say I think it was desirable to pass the Act and get the money, and, Parliament having provided the means, we are here now to consider their allocation. I think theTreasury have taken needless time in preparing their scheme. The right hon. Gentleman has omitted some of the chief factors for our consideration. For instance, he has not stated, in the case of any single line, what is the amount to be allotted to that line. Consequently, the right hon. Gentleman has left out the chief element for enabling us to come to a determination; and we have not been treated with that fulness of exposition which we have a right to expect in this matter. Again, the Committee has not heard how many of these lines are to be narrow-gauge railways. That is a most crucial point for examination. For my own part, I entirely deprecate the making of any more narrow-gauge lines. It may be said "that half a loaf is better than no bread," and that half a railway being better than none at all, a line of three-feet gauge is better than being unable to make one of five feet three inches. But I say, is it desirable? Supposing you intend to make arrangements with the Midland Company that you should travel on the broad-gauge to Galway and then change carriages and get upon a narrow-gauge line. I would rather have one good line in Ireland than half a dozen bad ones. I admit that the Government are anxious to mete out the gold which is bursting the Treasury to as great an extent as possible; but if the districts were prepared to take a national, instead of a local, view of the matter, they would agree that one good broad-gauge line would be better than a number of narrow-gauge lines. When I contemplate the list of railways the Government hope to be able to bring into existence, I am naturally struck by the supposition that they are going to make them as cheaply as possible, and, if so, they will be narrow-gauge lines. The Committee will remember that poor Lord Redesdale had one good idea: he was bitterly opposed to narrow-gauge railways, against which he always set his face, one consequence of which was that we in Ireland were spared from a good deal of the commotion that would have arisen from the construction of such lines. I deprecate the suggestion that a lot of these lines are to be narrow-gauge lines. Some of them must be so because of their connection with existing narrow-gauge lines; but so great is the scandal of the narrow-gauge system that there is a bit of broad-gauge line in Donegal which runs

up to the Lough Swilly line, and because the Letterkenny line was a broad-gauge line, will it be believed that they pulled it up and made it a narrow-gauge to fit the other line? I concur in every word uttered by my hon. Friend the Member for North Dublin with regard to the Galway line. I do not think it is a line which the Government should be called on to make, although I approve of the proposed line from Galway to Clifden. To say that eminent engineers approve of the line is to say that all engineers are eminent who have an eminent disregard for the Ten Commandments. I once heard a man ask another what religion he was, and the answer was "a civil engineer." That is exactly the religion of Messrs. Barton and Price. The psalm-singing person Mr. Barton, when he was promoting these lines, needed to hold an evangelistic service at Ballina, and I have no doubt that is the method by which Mr. Barton secured the sympathy of the Government and secured the success of his scheme. If the Government like to throw away their money on Messrs. Barton and Price that is their affair—though we shall be prepared to criticise and attack the proceeding—but do not let them say, "We have employed eminent engineers." We shall have but one answer for them, whatever excuse or explanation they offer—"Barton and Price," "Price and Barton"—and upon those two names we shall ring the changes. Another thing I wish to say with regard to this matter is this: Why were not the Irish Members consulted with regard to the making of some of these lines? I do not say that they have thrown away their money in all these cases, but I do say that the case was one in which the Irish Party should have been consulted. If they had been, Scotch lines affecting the Highlands and Islands of Scotland, will it be suggested for a moment that the Unionist Members from Scotland would not have been consulted? Why they would have been up the Lord Advocate's sleeve every afternoon. But so far as I am aware not a single Irish Member has been consulted in regard to these Irish Railways. No one can say that we could have a more reasonable Secretary to the Treasury than the right hon. Gentleman opposite. We all recognise his courtesy, but, at the same time, we are entitled to complain of the way this business has been conducted. We are told that we are an integral part of the Imperial Parliament, but we are forgotten when it becomes inconvenient to remember our existence. The Irish Members not having been consulted, they repudiate all responsibility in connection with this matter. It is for us to see that, however you lay out this money, you do not make the localities responsible. The right hon. Gentleman the Chief Secretary, when he talks about his anxiety not to make the localities responsible, should listen to the tale of woe I can present to him. When he boasts of the bounty of the Government, in the matter of these light railways, I would refer him to page 64 of the estimate. He will find there mention made of the Cork and Muskerry line; and in connection with that I would point out that the Government have broken their pledges, and that, although scandals are pretty generally associated with the action of the Government, the financial meanness they have exhibited in this matter is something altogether new. They have acted with financial meanness in breach of their own Act of Parliament—the Tramway Act of 1883—in the case of this Cork and Muskerry line. The estimate says that the whole length of this railway is 18½ miles; the percentage guaranteed is 5 per cent., and the authorised capital £75,000. It says, further, that the probable claim on the baronies for interest—which is for 12 months, I presume—will be £2,463. The estimated contribution shows a maximum of £986. That, of course, is a 5 per cent. guarantee, and the county only gets from the Government two-fifths, or less than £986. By the 9th section of the Tramways Act the Treasury are required to contribute 2 per cent., but the Treasury has shirked this obligation. It has not carried out that which it is obliged to carry out, and has refused the Directors of this Cork and Muskerry Railway, who are Loyalists to a man, this 2 per cent. I know what I am talking about, because I have seen all the correspondence. I have seen the repudiation by the Treasury and the Board of Works of their obligation under the Act. If they do not repudiate it they must have changed their ground during the past

fortnight. What are the Cork and Muskerry Directors going to do now? Why, in their extremity they are going to apply to the Irish Attorney General for leave to file a petition of right to compel the Treasury to pay the money they claim.

*MR. JACKSON: The hon. and learned Member will see that the £986 to be paid by the Treasury is two-fifths of the whole amount.

MR. T. M. HEALY: That is not so. The figures as the right hon. Gentleman has arranged them in the estimate may carry out his view; but he cannot deny that there is a question pending between himself and the Directors of the Cork and Muskerry Railway. Does the right hon. Gentleman deny that?

*MR. JACKSON: I have no knowledge of it.

MR. T. M. HEALY: Will he deny that the Board of Works have refused to assist the Cork and Muskerry Company? I have seen the letters bearing upon the question myself. The point was raised by question in this House, and yet the right hon. Gentleman opposite says he has no knowledge of it. The Directors are about to take steps to recover the money; but how are they to recover it if the Treasury persist in their refusal? It is a serious question whether the petition of right would lie, as all sorts of technicalities can be raised. I do not see how the company can apply for a petition of right, as they are not aggrieved—they can get it from the baronies. Who, then, is the party to bring an action? Only some cesspayer in the County of Cork who may not be affected to a greater amount than £1 a year, and can it be expected of such a person to enter into a litigation with the Treasury? I should like to know whether the right hon. Gentleman is prepared to guarantee that in the future no liability shall fall on the baronies.

*(11.17.) MR. KNOX (Cavan, W.): I maintain that the two speeches we have heard from the Treasury Bench are absolutely inconsistent, not only in tone but in substance. We do not, of course, expect to get from the Chief Secretary that courtesy which we always get from the Secretary to the Treasury, but I maintain that, apart from the question of tone, the two speeches were absolutely inconsistent in their substance. The Chief Secretary says that the great care of the Government will be to prevent any burden falling on the localities which the localities will be unable to bear. Well, but if only half the scheme indicated by the Chief Secretary is carried out, a burden upon the cesspayers will be inevitable. The Secretary to the Treasury has the best of intentions for our people, but good intentions by themselves will not be sufficient to make railways in Ireland, and the money that the Government has at its disposal under Acts of Parliament is not anything like sufficient to pay for the railways referred to. Why, I venture to say that one railway alone—that from Galway to Clifden—will not cost less than £300,000, and I make that statement on good authority. If so much money as this is required, how, I ask, are all these other railways to be constructed with the small amount of money which the Government has at its disposal? If all these railways are attempted, they can only be completed by resorting to the ruinous system of baronial guarantees, which has been tried and has failed. The answer of the Secretary to the Treasury is that the baronial guarantee is accepted by the locality. I think my hon. and learned Friend has dealt with that matter. It is a mere farce to say that the Grand Juries in any part of Ireland represent the localities. They do not. They represent the landlords of the localities. If the right hon. Gentleman means that the landlords of a particular locality, having accepted a burden, are bound to bear that burden, then in those counties in which there is default in cess, levy it on the landlords, and you will be pursuing a course of natural justice. But the people who are now bound by law to pay this money are not the people who have accepted the burden. They have never been consulted, and there is no form in which they can be consulted. I grant it may be possible in some cases to get a meeting together to approve a

scheme. We all know what that means. A number of people get together and pass resolutions, because they think it a cheap way of obtaining railway facilities for their district. Such resolutions are not worth anything. Let me give an instance in which, according to the right hon. Gentleman's phrase, a burden has been accepted by a locality. I want to know whether the hon. and gallant Member for North Down (Colonel Waring) thinks his constituents approve of the burden which the Grand Jury has imposed on some of them in the case of the Ardglass Railway. Ardglass is a place to which a railway certainly ought to have been made, and I believe would have been made before this had it not been for the pernicious influence of this system of legislation, by which everybody is taught to look for Government grants instead of relying on his own resources. The County Down Railway Company pays 6 per cent. on its ordinary shares, and they should make this line themselves as a feeder. No doubt the line would not pay by itself, but it would pay as a feeder, and I believe the company would have constructed it themselves had it not been for the hope that they would get the Government to make it. The cesspayers, some of whom are nearly 30 miles away from the district affected, will have to pay cess for the construction of this line, which to many of them will be of no benefit whatever. I deny that it would be possible to obtain by representative means any authority for putting this burden on the county. As the County Down is a rich county, I do not suppose it will be a very serious burden, but I am certain that if it were as serious to the County Down as similar burdens are to counties in the West of Ireland, many of the right hon. Gentleman's own supporters would carry their opposition to it so far as to strike against a tax to which they never assented. I do not know whether the House has considered the ruinous terms on which this money has been and will be raised. The hon. Member for South Belfast (Mr. Johnston) said a little while ago that if there were a Home Rule Parliament in Ireland this money could not be raised on as good terms. I deny that entirely. On all the railways made under the Act of 1883, except the West Clare, there was a guarantee of 5 per cent., which I contend is a ridiculous guarantee to give an investor in these days. Two per cent. of that is an Imperial guarantee. I suppose that if 2 per cent. Imperial Stock were issued to-morrow it would be at about £70 for each £100. You have, therefore, only £30 left. There is a 3 per cent. baronial guarantee to cover this remaining £30. This is equivalent to saying that if the barony wanted to borrow money it would have to pay 10 per cent. for it. That is preposterous. The fact is, that under the present system such good terms cannot be obtained as could be obtained if, under a representative system, the people were able to go into the open market and get the money for themselves. I believe the Government will find that there will be considerable difficulties to contend with as a consequence of the existing guarantees. Take the case of the Cavan, Leitrim, and Roscommon Railway, the longest of the lines made under the Act of 1883. The total capital amounted to £200,000. The burden on the districts concerned is so heavy that they are almost unable to bear it, and soon they will be entirely unable to bear it. Leitrim is a poor county. A great part of it was scheduled as a congested district under the Land Purchase Bill of this Session. In part of Cavan, too, the burden is very heavy, and I have the authority of the Grand Jury of Cavan for saying that the burden upon the people is too heavy for them to bear. In a resolution sent to me by the Grand Jury, with their strong recommendation, they talk of the people as "an over-taxed and extremely poor class of small farmers residing on bad mountain land" and "who are totally unable to pay this enormous tax in addition to the ordinary county cess." Well, these men will not go on much longer endeavouring to do what the Grand Jury say they are unable to do, and the Government will find that, instead of making any more railways, they will have first to pay off the burden that they by their incompetence have thrown on these localities under the Act of 1883. The people in some parts of Ireland, where there was a guarantee under another Act, have already com-

bined against the payment of the extra railway cess. Several men have been sent to gaol for resisting the Sheriff in attempts to resist payment of the cess, and the Government will, perhaps, find in the end that, in view of the heavy cost of the police, and the extra expenses of levying the county cess, it would have been better for the Government to have assumed part of the burden by substituting a 3 per cent. Government guarantee, and so relieving the cesspayers. The shareholders are selling their shares at considerably over par. Having invested their money on a 5 per cent. guarantee, they are now getting an enormous profit out of the poverty of the people, and I think it possible that the people may not go on very long ministering to the riches of these shareholders. No doubt the intentions of the Government are excellent. The Secretary to the Treasury thinks he is working for the good of Ireland. The Chief Secretary thinks he is providing his followers in this country with an excellent argument to use on the platforms against us. He thinks they will be able to point to the largesses he has bestowed on the people of Ireland. I think it very possible that the result of the Chief Secretary's action will not be to illustrate the great merit of his policy, but rather to show the want of merit of his proposed policy under the Land Purchase Bill. What would be the value of his guarantees under the Land Purchase Bill if it be proved by strikes against extra cess that the Government cannot levy an extra tax which has been imposed upon the people without the people's consent? I beg to move the reduction of the Vote by £200.

Motion made, and Question proposed, "That Item K, Light Railways, be reduced by £200."—(*Mr. Knox.*)

(11.35.) MR. CRILLY (Mayo, N.): I was one of the Irish Members who last year supported the passage of the Bill, in the hope that it would, to some extent, develop the resources and establish the prosperity and comfort of the poor people in the West of Mayo and the North of Mayo, whom I have the honour to represent. I have no doubt that had the Bill of last year been received by the House with a little more consideration, we who supported it might have been able to make it a better measure, and one that would have been more workable in the interest both of the poorer districts of Ireland and of the cesspayers of Ireland. However, we have to take the Bill as it stands, and I am afraid that, after having listened to the greater portion of the statement of the right hon. Gentleman, it is a case of much cry and little wool. To my mind, the scheme as he set it forth to-night, will do very little indeed in developing the resources, or in improving the position and increasing the comfort, of the people of the Western coast of Mayo. Like my hon. Friend who sits below me, I have no desire to press the right hon. Gentleman as to what arrangement he intends to make with the Chairman of the Midland Railway Company, but I would impress on him the necessity of making some early arrangement with the Midland Company, in order that the main line, which is to be constructed, if possible, under this Bill, shall be made from Ballina to Belmullet. There are only three courses open to the Government in this matter. They must run a line round the South Coast to Belmullet, or they must run a line of railway from Ballina round the coast to Belmullet, or run one direct from Ballina to Belmullet. Each of these three routes has been reported on favourably. In connection with this matter it is an extraordinary thing that the ubiquitous Mr. Barton turns up again. This Mr. Barton seems to have had a finger in every railway pie in Ireland. He reported favourably upon this line, but the Government have delayed making it, whilst they are doing their utmost to push on the two lines in which Mr. Barton and Mr. Price are themselves concerned. I know that the right hon. Gentleman is anxious to develop as much as he

can the light railway system of Ireland, but I wish he would push on as rapidly as possible the arrangement he intends to make with the Midland Railway Company. The Committee will admit that a considerable time has elapsed since the Board of Works and the Treasury came together to decide as to what lines should be constructed. I do trust that the right hon. Gentleman will not allow an equally long period to elapse before he lays before the House the arrangement he has come to on behalf of the Treasury with the Midland Railway Company, because he himself will acknowledge that you cannot open out the west and north of Mayo unless by some means or other you connect Belmullet on the extreme west coast of Mayo with Ballina, or Castlebar, or some of the other towns. It is essential that Belmullet should be placed in communication with the markets where the people can find a ready sale for the fish which they catch in such large quantities.

(11.45.) MR. DILLON: I have sat here in silence for the last two hours a witness of the extraordinary spectacle of the Treasury pressing on Ireland large sums of money that have not been urgently asked for by the people. I do not oppose those grants, although to me it is most melancholy that the construction of these railways cannot be taken in hand by private enterprise. Here am I, the Representative of one of the most congested districts in Ireland. I want half a dozen railroads made. I have not opposed the scheme of the Government, and yet to my horror and despair I find my district entirely left out of consideration. I would be glad to accompany the right hon. Gentleman on a tour of the district. I would invite him to gridiron the district with railroads and spend as large a sum as possible out of the British Exchequer in opening up communication between the various villages I have the honour to represent. There cannot be the slightest doubt in the world that a more foolish measure could not possibly be adopted. The right hon. Gentleman has accused us of obstructing a beneficent Treasury. I invite him to spend £500,000 in East Mayo, where he has not proposed to spend a single shilling. My constituents are poor, and they will turn out and construct the railways. As long as they are paid decent wages for making the railways, they will make them. If you make the bribe sufficiently large and tempting they will give you any quantity of guarantees, because they know perfectly well they will not be able to pay them. I have no doubt that the Grand Jury of Mayo will guarantee 5, 6, or 10 per cent. Let the Government come forward next year and bring in a proper Bill, a reasonable proposal to open up proper communication through Northern Mayo, Eastern Mayo, Southern and Western Mayo, regardless of expense, and regardless, also, of the question whether the railroads will pay for the coal burnt or the grease which is necessary for the wheels. I venture to say that if the object of the right hon. Gentleman is to checkmate us and compel us to vote this English money, he will succeed. If he proposes to spend a quarter or even half a million sterling in Eastern Mayo on the guarantee of the cess of that district, I certainly would not find myself in a position to vote against the proposal. I do not pretend to say he would ever get the money back; but I do not find myself in a position to oppose such a scheme. I rose to protest against the Secretary to the Treasury or the Chief Secretary even complaining that we obstruct any quantity of English money being spent in Ireland. Get shovels, get all the ships of the British Navy, and shovel or ship over as much gold as you like. Pave the bogs with British sovereigns, and I shall vote with you with all my heart.

(11.50.) MR. O'HANLON (Cavan, E.): The Secretary to the Treasury spoke about railways in Donegal, but I venture to say he scarcely knew anything of what he was talking about. The Chief Secretary knows less. The Secretary to the Treasury told us about a line from Donegal to Killybegs. He spoke of great advantages that would accrue to the fishing industry.

What can be gained by a line of railway along the sea coast? He spoke of other lines. He mentioned, for instance, a line from Letterkenny, but he gave us no particulars. Still, the right hon. Gentleman and the Chief Secretary receive the pay of the nation; for what? For doing nothing but making statements to the British public about something of which they know nothing. It is astonishing that the English people can with patience listen to such statements as are constantly made from the Treasury Bench. The Chief Secretary delivered a speech upon this Vote, but did not wait five minutes to hear the discussion. Will any hon. Gentleman tell me the Secretary to the Treasury or the Chief Secretary know anything of what they have been talking about? The noes have it. I believe the object the Chief Secretary had in bringing this matter before the House was to see if we would offer any opposition, so that the Unionist Member for South Tyrone and other parts of Ireland could go to Ireland and say that the Nationalist Members opposed the light railway scheme. We are not going to give the scheme any opposition, but we are going to tell the country and the world that the gentlemen whose duty it is to give information to the House know nothing of what they have been talking about. I do not think there is any use in me wasting the time of the House, but I could not remain silent when I heard such statements as those made from the Treasury Bench.

*(11.57.) MR. JACKSON: In answer to a question of the hon. and learned Member for Longford, let me say that the lines which join other railways will be of the usual gauge, but that the others will be of a narrower gauge.

Question put, and negatived.

Original Question put, and agreed to.

Resolutions to be reported upon Monday next.

Committee to sit again upon Monday next.

SUPPLY—REPORT.

Resolution [July 17th], reported [see page 103.]

Motion made, and Question proposed, "That this House doth agree with the Committee in the said Resolution."

MR. T. M. HEALY: May I ask the Attorney General for Ireland whether he has yet got the Fermoy depositions in the case of David Kent? We asked yesterday if the right hon. Gentleman's statement was borne out by the depositions. We were promised that they should be telegraphed for, and I ask if they have been received; if not, it would be only reasonable to postpone the Report of this Vote to Monday.

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): As a matter of fact, they have not yet been received, but I hope to have them to-morrow or Monday.

MR. T. M. HEALY: Will the right hon. Gentleman have any objection to postpone the Vote?

MR. FLYNN: It is essential that we should have the depositions. The question is important. When we addressed an interrogation to the right hon. Gentleman on the subject, we were met with a denial of the accuracy of our statement, and a promise was made or implied that we should have a copy of the depositions. The case was heard on Monday, and we could have had the depositions here by Wednesday or Thursday. It is important to have them.

MR. T. M. HEALY: We do not wish to press the matter unreasonably——

MR. A. J. BALFOUR: If there is any strong desire we will not resist a postponement to Monday, but we are not sure that we shall have the depositions by then.

MR. T. M. HEALY: No doubt they will be here if telegraphed for.

Order deferred till Monday next.

CONSOLIDATED FUND (No. 2) BILL.

Bill read the third time, and passed. [New Title.]

COURSE OF BUSINESS.

On the Motion for Adjournment:—

MR. ESSLEMONT (Aberdeen, E.): Can the right hon. Gentleman say when the Scotch Estimates will be taken?

SIR W. LAWSON (Cumberland, Cockermouth): And the Local Taxation Bill?

*THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): I cannot say when the Scotch Estimates will be taken. The Housing of the Working Classes Bill and the Census Bill will be taken on Monday. I cannot say when the Local Taxation Bill will be taken.

DR. TANNER: Can the right hon. Gentleman inform us whether there is any truth in the report that the 2nd Battalion Grenadier Guards is going to be sent to Natal?

*MR. JACKSON: I have no knowledge on the point.

MR. SEXTON (Belfast, W.): Can the Chancellor of the Exchequer state his intention with regard to the Committee on the fiscal relations between England and Ireland?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): I should be extremely glad if the hon. Member would use his influence towards assisting us to the appointment of the Committee. The chief Amendment in the way is that of a Welsh Member. It is impossible for us to assent to the separation of Wales from the rest of the United Kingdom in this connection; and if this Amendment were not pressed, we might dispose of the matter in a short discussion after 12 o'clock. I am very anxious to get the Committee appointed.

MR. SEXTON: I share the desire of the right hon. Gentleman, but of course I am not in a position to make any promise on behalf of the hon. Member for Glamorgan. May I suggest that there would be no difficulty if the Motion were taken at a time to allow of a short Debate?

*MR. H. J. WILSON (York, W.R., Holmfirth): May I ask if the Industrial Schools Bill is to be withdrawn? I understand that the Under Secretary has given some intimation to that effect.

THE UNDER SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. STUART WORTLEY, Sheffield, Hallam): My right hon. Friend informs me that it is not his intention to ask the House to proceed with the Bill.

*MR. H. J. WILSON: Then why keep it on the Papers?

MR. CHANNING (Northampton, E.): As probably there will be only short discussions upon the Housing of the Working Classes Bill and the Census Bill, perhaps the right hon. Gentleman will say what is to be proposed as the next business on Monday?

MR. GOSCHEN: The Savings Banks Bill and then Report of Supply.

MR. SEXTON: With your leave, Sir, may I ask the Chancellor of the Exchequer whether he intends to allow his Motion on the fiscal relations between this country and Ireland to become abortive because of the notice of Amendment given by a Welsh Member? Will he take no steps to secure a discussion?

MR. GOSCHEN: If it can be reached on Monday by half-past 11, I will arrange to bring on the Motion then, but beyond that I cannot pledge myself.

SIR W. LAWSON: If he cannot fix a day for the Local Taxation Bill, will the right hon. Gentleman make a statement on Monday as to the disposal of the surplus money?

MR. GOSCHEN: Yes; I hope on Monday to make a statement as to the intentions of the Government with regard to the unapplied surplus caused by the withdrawal of certain portions of this Bill.

MR. STUART WORTLEY: The hon. Member who asked me a question just now will understand that my remark referred only to the Industrial Schools Bill.

House adjourned at a quarter after Twelve o'clock, till Monday next.

An Asterisk at the commencement of a Speech indicates revision by the Member.
by Contract with H.M.'s Government.

HOUSE OF LORDS,

Monday, 21st July, 1890.

THE EARL OF MAYO

Took the Oath.

COLONIAL COURTS OF ADMIRALTY BILL.—(No. 44.)

Returned from the Commons agreed to, with an Amendment.

REGISTRATION OF VOTERS (BOROUGH OF BELFAST) BILL.—(No. 91.)

Commons Amendment to Lords Amendment considered, and agreed to.

CONSOLIDATED FUND (No. 2) BILL.

Brought from the Commons; read 1ª; to be read 2ª To-morrow; and Standing Orders Nos. XXXIX. and XLV. to be considered in order to their being dispensed with.—(*The Marquess of Salisbury.*)

ELECTRIC LIGHTING PROVISIONAL ORDERS CONFIRMATION (No. 15) BILL.

A Bill to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to the City of London—Was presented by the Lord Balfour.

*THE SECRETARY TO THE BOARD OF TRADE (Lord BALFOUR of BURLEIGH): My Lords, I beg to present a Bill to confirm certain Provisional Orders which have been made by the Board of Trade under the Electric Lighting Acts relating to the City of London; and, in pursuance of the notice which stands in my name on the Paper, I have to ask the House to suspend the Sessional Order of the 10th March last, and to allow the Bill to be read a first time. The circumstances are these: The Brush Electric Engineering Company and another syndicate applied for Provisional Orders, authorising them to supply electricity in the City of London. At first the Local Authority, that body being the Commissioners of Sewers, objected to it, but after a time they agreed to let certain portions of the City be so supplied under an agreement with the parties concerned. The agreement was not one which the Board of Trade could make the subject of a Provisional Order, and, therefore, all the complicated arrangements which are necessitated in adjusting a Provisional Order had to be gone through. Although the period of the year was somewhat late, the Board of Trade, desiring to carry out the wishes expressed, thought it was their duty to proceed with the Order. It took somewhat longer than was anticipated, but it has been completed, and under all the circumstances, and, as I may say, this will be the last time I shall have to ask your Lordships for indulgence in regard to the Sessional Orders this year, I hope your Lordships will agree to suspend the Sessional Order and to read the Bill a first time.

Moved, "That the Sessional Order of the 10th of March last, 'That no Bill originating in this House confirming any Provisional Order or Provisional Certificate shall be read a first time after Friday, the 16th day of May nex,' be dispensed with in respect of the said Bill, and that the Bill be now read 1ª; agreed to: Bill read 1ª accordingly; to be printed; and referred to the Examiners."

PHARMACY ACT (IRELAND) (1875) AMENDMENT BILL.—(No. 172.)

SECOND READING.

Order of the Day for the Second Reading, read.

*THE EARL OF ERNE: The objects of the Bill which I am now asking your Lordships to read a second time, and which I may say has passed the House of Commons practically without opposition, are two-fold: the first is to provide for the registration of chemists and druggists in Ireland, for the purpose of their selling poisons, who were in business before 1889, and for the examination of all persons who shall desire to become such henceforth. The second object is to give those chemists and druggists representation upon the Pharmaceutical Council, which they do not at present possess. The original Pharmacy Act, passed in the year 1875, contemplated two grades; the first grade to pass the higher examination and to be empowered to compound medicines, as well as to sell poisons: the second grade to pass a modified examination, and to be qualified to sell poisons only. But, in consequence of the absence of a restrictive clause in the Act, it was

found that if the second-class were registered they would be entitled to do all that the first-class could do, that is to say, to compound medicines as well as sell poisons; and, in consequence, the Pharmaceutical Society of that day passed a resolution that, for the present at all events, there should only be one grade. After the passing of that Act nothing practically was done until the year 1888. In that year a Bill was introduced into Parliament by a Member of your Lordships' House, at whose sudden death all those who had the privilege of his friendship were deeply shocked and grieved, and whose loss has been keenly felt by all who are interested in Irish affairs, upon which he was so high an authority. I allude to the late Lord Milltown. He introduced a Bill in that year which passed through this House after having been referred to a Select Committee; but when it went down to the House of Commons it was opposed as being of too restrictive a character, and, after some negotiation, a compromise was effected, but unfortunately the period of the Session at which this compromise was arrived at was so late that the Bill had to be dropped. The Bill which I am now asking your Lordships to read a second time is mainly drawn upon the lines of that compromise. The necessity for this Bill arises from the defective nature of the Act of 1875, under which the Pharmaceutical Council considered they were prevented from registering the second grade, as was contemplated in the Act. In consequence of this condition of things a number of chemists and druggists throughout Ireland are carrying on the sale of poisons at their own peril, and are liable to prosecution; and I believe, in more than one instance, prosecutions are pending against members of that body. It may be said that the pharmaceutical chemists can supply the want which is admittedly felt; but the pharmaceutical chemists are of a superior class, and are only to be found in the large towns, and it is, of course, of very great importance to the small farmers who are scattered up and down through the country that they should be able to buy their cattle medicines and sheep wash, and things of that kind—and also I may add that the same remark applies to the manufacturers in the North of Ireland in regard to their requirements in the way of chemicals for bleaching purposes, which are more or less in the nature of poisons—without having to go to the pharmaceutical chemists in the large towns. I believe that the chief objection which is taken to this Bill is in reference to the provisions for the registration of these chemists and druggists for the sale of poisons without their having to pass an examination. But I venture to suggest that that is really a matter for Committee, and if your Lordships will be good enough to give a Second Reading to this Bill it can there be more minutely considered and better dealt with. I beg to move the Second Reading of the Bill.

Moved, "That the Bill be now read 2ª."—(The Lord Fermanagh [*E. Erne.*])

*THE MARQUESS OF WATERFORD (who spoke, by leave of the House, sitting): My Lords, as I take great interest in the Bill which has been brought forward by the noble Earl, I would venture to say a few words upon it. It is a much more important Bill than the noble Earl has led your Lordships to suppose. This Bill has really the intention of permitting any man throughout Ireland who chooses to call himself a chemist or druggist to act in that capacity without an examination. There was an Act passed, called the Pharmacy Act, in 1875, by which it was enacted that after that time all persons who wished to carry on the trade of a chemist should pass an examination. Unfortunately that Act was not very carefully drawn, and there was no proper provision made for registering chemists and druggists in practice before 1875. Well, that made it most difficult for the Pharmaceutical Society of Ireland, who look after such matters, to ascertain (because the onus of proof rested upon them) who were the people who were entitled to carry on this trade without examination. There was another flaw in this Act of Parliament. It provided for an arrangement by which two grades could be created in Ireland, the members of one of which were to be pharmaceutical chemist. I believe the Act was drawn by Sir Michael Hicks Beach in 1875, and he arranged to make it as much like the English Act as

possible. In England, both classes pass an examination that would entitle them to have the making up of prescriptions; the procedure in Ireland is rather different from that in England. The men who had been in the habit of selling poisons did not seek to be allowed to make up prescriptions, and they did not want to pass an examination, and they wished to continue as before. This Bill now provides that everybody who has been breaking the law since 1875 should be recognised and should be allowed to continue to sell poisons without examination. I can hardly believe that your Lordships will agree to such a proposal as that. The noble Earl suggested that the Bill might be amended in Committee; and I hope sincerely that it will be, because if there were not a promise of that kind made I should most decidedly move the rejection of the Bill. Perhaps your Lordships can hardly imagine the difficulties which would occur from the recognition of such a state of things as exists at present in Ireland, where such men as grocers, hucksters, dealers, and ironmongers are all selling poisons. A grocer may be serving out pounds of butter having beside it oxalic acid on the same shelf, and another man may be selling baking powder which is lying beside arsenic. These men are all perfectly unqualified, they pass no examination whatever, and this Bill is to legalise them and perpetuate the mischief. What I should propose would be that the Bill should be amended very much in Committee. I may tell your Lordships that the Act of 1875 did legalise and permit such men as these to sell poisons without examination if in practice before 1875, but they had been in the habit of doing it and had some experience. Since 1875 a large number of men have taken up the trade, and are selling poisons indiscriminately all over Ireland. The noble Earl spoke of the desirability of small farmers being able to get poisons for cattle and sheep washes, but in these days, with the existence of the Parcels Post, there is no difficulty in people getting whatever they want from the pharmaceutical chemists in the towns. The noble Earl said that this Bill is virtually the same as the compromise measure of the Earl of Milltown, but I cannot quite agree with him.

*THE EARL OF ERNE: I said as altered in the House of Commons.

*THE MARQUESS OF WATERFORD: I cannot agree with the noble Earl, because that was in the direction of registration on examination, and the point of this Bill is no examination. One of the main points of that Bill was that examination should be enforced. Therefore on the main point that measure differed materially from this Bill. A general practitioner from Belfast, Mr. Rankin, gave very important evidence before Lord Milltown's Committee upon this point. He said that if men of this description, hucksters, grocers, and men of that description, were allowed to sell poisons throughout Ireland it would imperil the lives of the public. I think your Lordships will agree with that, that it certainly would imperil the lives of the public. But to my astonishment I find that Mr. Rankin is one of the promoters of this Bill, and the fact is that Mr. Rankin himself has been carrying on the sale of poisons against the law, and was not very long ago brought up before the Magistrates in Belfast and fined £5 for so doing. Hence, I believe, one of the reasons why this Bill has been brought forward is, Mr. Rankin is Secretary of the Druggists, Association in Belfast. I have also seen a paragraph in a paper which is called the *British and Colonial Druggists'* paper, I forget its exact title, in which it is suggested that the druggists throughout Ireland should begin to make up prescriptions; that is to say, that these men who pass no examination and have no knowledge whatever of the subject should begin to make up prescriptions, in order to cause the Pharmaceutical Society to prosecute them all, and thus, as the Pharmaceutical Society has but a small amount of fund at their disposal, that they should break the Pharmaceutical Society, and by doing so get themselves recognised. That shows the animus with which this Bill is brought forward. I am told that the great misfortune in Ireland is that the police do not prosecute those men who are breaking the law. I believe that in England in the analogous cases of the sale of adulterated foods or anything of that kind the police do prosecute. There was evidence before Lord Milltown's Committee of a case of poisoning which occurred before 1886 being brought before the attention of the police,

and where the police refused to prosecute. I think it is a very serious matter that this illegal practice should have been going on in Ireland of selling poisons indiscriminately all over the country, and that yet you should have the police taking no notice of it whatever. The Pharmaceutical Society no doubt do prosecute, but the onus of proof rests with that Society, and their funds have only enabled them to bring forward very few cases where they could institute prosecutions. This is a very serious matter, and I think the Irish Government ought to take notice of it. There are certain points which I think ought to be amended in this Bill, but I will not detain your Lordships with them now; I will only express the hope that the noble Earl will agree to the amendment of those points when the Bill comes into Committee.

LORD HERSCHELL: My Lords, my attention was only called to this Bill this morning, but I have received some letters and a telegram of rather an alarming character with regard to its provisions. It comes no doubt from a source from which one would not have expected correspondence of that description. One correspondent alleges that—

"The Bill would place a premium on illegality by encouraging it at the expense of the law-abiding."

And I am sure that everyone will agree that is not a good thing for the Government to do in regard to Ireland either at the present or at any other time. Another correspondent writes—

"It is very hard that political services, such as have been rendered to the Conservative Party by wholesale chemists and druggists, should be rewarded at the expense of the public morality and by danger to the public safety in the manner proposed."

Those two quotations show, I think, that this Bill will require very careful consideration, the necessity for which has been added to by the details which have been entered into by the noble Marquess who has just spoken.

THE DUKE OF ABERCORN: I do not rise for the purpose of assisting to raise any controversy upon this Bill, but to emphasise that it is an important measure, affecting Ireland very materially as to the sale of poisons. I do not know but that there would be some difficulty in regard to people selling whatever may be required near the large towns, but in the country that is not the case. There there is no difficulty in obtaining them, and therefore it has been thought necessary that this Bill should be brought in for the purpose of licensing this large class of persons, some 2,000 in number, I think, to sell poisons. This Bill has met with some opposition from the Pharmaceutical Society, but that body does not wish that the Bill should not pass. On the contrary, they are anxious that it should become law; but they are also anxious that it should only pass with certain Amendments which they will propose at a fitting time. The Amendments which they propose refer to the number of chemists and druggists who have been practising since 1875 under the old Act, and they think that if those persons are to be registered they should pass a very small examination, in order to prove their fitness to sell these poisons and dangerous drugs. Another Amendment which they wish to be introduced is as to the position of their Council. But these matters will, I hope, be gone into in detail in Committee, and I should venture to hope that the noble Earl who is at the head of Irish affairs in this House might be willing that this Bill should be referred to the Standing Committee, where all the Amendments that may be proposed can be fully gone into. But, whatever may happen, your Lordships will agree with me, I think, that poisons should not be permitted to be sold in Ireland in this way at a wholesale rate. Although my noble and learned Friend seemed to think that the Conservative Party owe something to those who had to do with the selling of poisons, I hope no bad result has taken place from it. At the same time, if poisons are allowed to be sold without restriction wholesale all over the country, great harm might be done, persons might disappear on such occasions, and it would then be rather hard to find out whence the poisons had been derived. Therefore, I think the restrictions which the Pharmaceutical Society desire should be placed on the sale of poisons will receive due consideration when the Bill comes before the Committee.

*LORD MORRIS: I should not have intervened in this discussion had it not been for the suggestion of my noble and learned Friend opposite, that this Bill

has been promoted for the advantage of persons in the Conservative interest in Belfast, because I have been asked to oppose it on the opposite ground. I have been asked to oppose the Bill on the ground that it has been supported by the Member for Belfast, who represents Nationalist views, and from the fact that some of his colleagues who had given notice of opposition had been solicited to withdraw, and did withdraw, their notices of opposition. So that it appears persons have been asked to oppose this Bill, and solicited to do so from a variety of motives. It appears to me that the Bill ought to be allowed to pass the Second Reading, and that in Standing Committee all the modifications that may be necessary in it can be there made.

*THE LORD PRIVY SEAL (Earl CADOGAN): My Lords, I was under the impression that the Bill was for a very technical purpose and of a somewhat dull character; but after the statement of my noble and learned Friend opposite there appears to be some fear that if this Debate should be prolonged we should be landed in a discussion more exciting than was to be expected. I rise merely to say that the Bill has received the countenance and support of the Government in the other House. It is the result of a compromise which was effected between certain Members of the other House last Session upon Amendments on the Bill of Lord Milltown. As far as the principle of the Bill is concerned, the Government is prepared on the present occasion also to support it. On the other hand, I am bound to say that the points which have been mentioned by the noble Marquess behind and others certainly seem to render it desirable that the Bill should receive careful consideration in Committee. I should be very glad that the suggestion of the noble Duke should be adopted, and, if it be the wish of the House, that the Bill should be referred to the Standing Committee on General Bills, when the Amendments which have been mentioned by my noble Friend can be carefully taken into consideration.

*THE EARL OF ERNE: I am quite prepared to accede to the suggestion of my noble Friend that this Bill, if your Lordships will consent to read it a second time, should be referred to the Standing Committee on General Bills.

On Question, agreed to.

Bill read 2ª accordingly, and committed to the Standing Committee for General Bills.

SETTLED LAND BILL.—(No. 185.)

House in Committee (on Re-commitment) (according to order).

Clause 4.

LORD HERSCHELL: I have to propose an Amendment in this clause which is little more than verbal. It is to meet a doubt which has been raised by my noble and learned Friend Lord Selborne in Standing Committee, whether this clause might not cover, and ought not to cover, arrangements where money has been advanced, and where, therefore, the arrangement made is part of the security.

Moved, to insert in line 15, after "arrangement," the words "not being a security for the payment of money advanced." — (*The Lord Herschell.*)—Agreed to.

Clause 11.

LORD HERSCHELL: I have to move to add at the end of this clause a sub-section to define incumbrances, so as to exclude determinable, annual, and other sums, which were clearly not intended to be included in its terms; but before doing so I have an Amendment to move in line 23, after the word "required," to insert the words "and also the amount properly required for payment of the costs of the transaction." That is in cases where mortgages are consolidated and arrangements made for the payment of a lower rate of interest.

Amendment agreed to.

Another Amendment moved, at the end of the clause to insert the following sub-section:—

"Incumbrance in this section does not include any annual sum payable only during a life or lives or during a term of years absolute or determinable.—(*The Lord Herschell.*)—Agreed to.

Clause 13.

THE EARL OF FEVERSHAM: The Amendment of which I have given notice, or the substance of it, was proposed in the Standing Committee on Law by the noble and learned Lord who introduced this Bill. His Amendment

did not meet with the full concurrence of the Committee, and I have now to propose an Amendment which I think is a very important addition to that which was proposed by my noble and learned Friend, namely, a proviso limiting the power of tenants for life to raise money under this clause to the amount of half the rental of the estates. I think it should be borne in mind that the Act of 1882, which is generally called, I believe, Lord Cairns' Act, was brought forward very much in connection with the Act which had been passed in the year 1864 for giving powers to limited owners to raise money for the purpose of making permanent improvements upon their estates. Under the Act of 1864 a great variety of objects could be attained by limited owners, but it did not include, among the permanent improvements provided for, the restoration of the mansion house or residence of the owner of the property. But in the year 1871 an Act was passed to which I should wish to call your Lordships' attention, namely, the Limited Owners Residences Act, which gave the same powers as were given by the Act of 1864 to limited owners to raise money for the re-building of their houses. The Limited Owners Residences Act, 1871, enables a tenant-for-life to re-build the mansion house under the powers of the Improvements of Lands Act, 1864, with which Act it is incorporated, and the Act of 1871 enacts that the re-building of a mansion house is to be deemed to be an improvement within the meaning of the Improvements of Lands Act of 1864. The other improvements within the meaning of that Act are all introduced in the Settled Land Act of 1882; but the provisions of the Act of 1871 were, unfortunately, excluded from the provisions of the Act of 1882. The result is that that improvement which was introduced in the Act of 1871, and incorporated into the Act of 1864 was excluded in 1882, and, therefore, all the benefits which accrued from the Settled Lands Act of 1882 are lost entirely as regards the Act of 1871. I have said that under the Act of 1882 a limited owner can sell his property, or can sell a portion of his land, and expend the proceeds in a variety of ways; he can spend it in irrigation, in draining, in plantation, in the building of cottages, in the building of homesteads, and in building farm-houses. He can do a great many other things; he can build for a good many other people; but there is one thing he cannot do, and that is he cannot build a house for himself. Well, my Lords, the question is, Is it fair, is it just, to have excluded this provision, which was incorporated in the Act of 1871, from the provisions of the Act of 1882; and now that your Lordships have an opportunity of re-enacting and bringing this improvement back again, of incorporating it with the provisions of the Act of 1864, and assimilating it to the other improvements which were included in the Act of 1882, I would humbly suggest that it ought to be taken advantage of. The noble and learned Lord opposite evidently thought that this was an opportunity of doing so, that it was in conformity with the principles of this Bill that this Amendment should be introduced. I have brought it down, I think, to very small dimensions. I am only asking that a limited owner shall be able to raise by the sale of land to the amount of as much as one-half the rental of his property for the purpose of effecting this very important object of permanent improvement. It is said by those who are opposed to this that it will discourage insurance. I must say I do not propose it with any idea of that kind. It is a great deal too small an addition to the powers given to act as a discouragement to insurance, and I propose it not at all to discourage, but as a supplement to, insurance. We know perfectly well when a house is destroyed by fire there is not only the loss of the fabric, but there is the loss of contents. Does the insurance meet that loss? When you come to counting the cost of restoration the insurance very rarely covers the loss, and I think this Amendment would give great assistance to those who, like myself, have had the misfortune to lose their houses, and are still under the obligation to restore them. Those who are connected with the agricultural interest, and who are dependent on the soil, know well that this country has passed through a period of great depression, and I think that every assistance which Parliament can give to relieve both landowners and tenants from the effects of that depression should be given. It is said, and I

cordially agree in the statement, that property has its duties as well as its rights. A landowner to perform his duties must reside upon his property. Absenteeism is one of the evils which statesmen and Parliament have had to deal with in regard to Ireland. We do not want absenteeism here; it is an evil which we wish to avoid. In order that a man may reside upon his property he must have a house in which he can live, in order that he may perform those duties which devolve upon him. It is to assist in that object that I now propose this Amendment should be adopted in the name of my noble and learned Friend opposite, which I believe to be just and fair, and one which, I think, on grounds of public policy worthy the support of your Lordships' House.

Moved, in Clause 13, page 4, line 11, after sub-section (iii.) to insert the following sub-section:—

(iv.) "The re-building of the principal mansion house on the settled land; provided that the sum to be applied under this sub-section shall not exceed one-half of the annual rental of the settled land."—(*The Earl of Feversham.*)

THE MARQUESS OF BATH: I trust your Lordships will not agree to the Amendment which has been moved by my noble Friend. This matter was considered in the Standing Committee to which the Bill was referred, and the Standing Committee did not think fit to recommend this Amendment to the House. Let me call your Lordships' attention to this point: it is the duty of every wise man to insure his house, and if he does not insure it, it is on him and not on the inheritance that the burden ought to fall. Then your Lordships should bear in mind also this: that a property is not improved by increasing the mortgages upon it. The powers of charging estates under Lord Cairns's Act are thought by some to be of doubtful expediency, and they are only justified on the ground that you charge the estate for re-productive work. It is supposed, and I hope the supposition will prove true, that precautions are taken that the money which the tenant for life is empowered to charge upon the inheritance is so laid out that the value and the proceeds of the inheritance will be in future increased. Now, I will ask how the inheritance can be in any way benefited by the building of a mansion house? Clearly it is the duty of the tenant for life to insure, and it is his duty to re-build, if he chooses to re-build, should his house be burned down. But the increasing of charges upon the inheritance for works that are not in themselves re-productive must end in the ruin of properties, and be of no sort of benefit to the community. I have every sympathy with my noble Friend who has had this very misfortune, having had a house burned down some years ago, which is now in course of re-building, but I do not think the laws of the land ought to be altered to suit the convenience of Members of your Lordships' House.

*THE EARL OF POWIS: This Amendment is somewhat vaguely worded. It says that the sum to be applied under this sub-section "shall not exceed one-half of the annual rental of the settled land." Now, what does the "settled land" mean? Does it mean the estate which surrounds the house, or does it mean any property the owner may possess in half a dozen counties which may be under the same settlement? Does it mean that money may be raised upon, or part of an estate in Devonshire sold to improve a house in Northumberland, or that money may be raised upon property in Derbyshire to improve or re-build a house in Leicestershire? The noble Earl spoke of this power not having been given in the Lands Improvement Act. I think if any money is to be raised on an estate for re-building a mansion-house it ought to be done under similar arrangements to those specified in the Estates Improvement Act, namely, that it should be paid back by instalments within a certain number of years; because clearly the restoration or re-building of a house does not add to the improvement of an estate; it is simply putting it in the same position as it was in before, which would be guarded by insurance. And it very often happens that the building of a mansion house, under the direction of a lavish architect, makes the house a burden to the estate which it is not able to bear. I think, therefore, that this clause, if it is to be adopted at all, would have to be limited, and that it should, at all events, be made more distinct that the land that is to be brought in and charged with the re-building of the mansion house should be

the property upon which the mansion house is situate. I feel disposed to concur with the noble Marquess that it would be better to maintain the decision of the Standing Committee.

*LORD NORTON: There seems to be a considerable amount of caprice in the arguments which have been put forward on this subject. I believe that until lately if a man over insured his house and it was burnt down he was in danger of being hung; and now it seems if a man under insures his house it is an argument to be used against him that he ought not to be able to charge his estate for the restoration. I had an experience the other day in having my house burned down, and I had insured it as far as I might safely do without endangering my neck under the law. I have, therefore, to meet the over expense of re-building the house by loan. The noble Marquess says such a charge ought not to be thrown on the estate, but it bears just as much on the estate to make up the sum required for re-building the house by loan, as by the charge possible, if this Bill passed. The noble Marquess says that a Bill should not be passed for the benefit of Members of this House, but it is not at all exclusively for the benefit of Members of this House that this Bill is proposed, but for all people who have houses with settled estates round them which may be burnt down. The noble Earl near me says he does not understand what "settled estate" the Bill means to charge; whether it means if a man has property in half-a-dozen counties he is to be empowered to charge to the amount of half the rent of all his estates for the restoration of his house. I quite understand that what the noble Earl who moves the Amendment means is that the property surrounding the mansion house burnt down should bear the cost up to half the rental. That seems to me to be a very moderate proposition. I do not suppose that any mansion house which is burnt down is insured to such an extent, or can be safely insured to such an extent as that the very moderate sum of half a year's rental of the property adjoining the mansion would not be a fair amount to contribute to such restoration.

THE LORD CHANCELLOR: My Lords, I did not mean to intervene in this interesting discussion, but I must say I am rather astonished by what my noble Friend, who has just spoken, has said. I was not aware that it was an offence in law to insure your house to its full value, and until the noble Lord points out the statute to which his statement would seem to have reference, I shall still remain under the impression which I hold that such insurance is a prudent, a proper, and an ordinary thing to effect.

*THE EARL OF KIMBERLEY: I will only add one sentence. I see no objection to "re-building;" but I confess that "restoration" somewhat frightens me. Restoration is a term which is usually applied in the case of churches and buildings of an ecclesiastical character, and is generally understood to mean the destruction of the ancient character of a building, and in the case of a mansion house I should be very sorry that it should be done at the expense of the estate. I very much doubt whether it would not be better to confine it to re-building.

THE EARL OF FEVERSHAM: I shall be perfectly willing to accept the suggestion of my noble Friend.

A noble LORD: My noble Friends have attempted to raise a discussion on the principle of the Bill, but even if we could do so I think it would not be expedient upon re-commitment. I should view the Bill very differently according to whether it was to be regarded as a final measure or as a compromise, in other words, what is popularly called "the thin end of the wedge." But I am quite sure it is not introduced in that sense by the noble and learned Lord, Lord Herschell; and if it was to be one of a series of measures of this sort I am quite sure he would tell us so. I had the honour of being upon a Committee with that noble and learned Lord, and I must say, if I may be allowed, he showed so much consideration for the objections of his opponents, and of delicate feeling for the views of those with whom he did not altogether agree, that it will always be a satisfaction to me to, if possible, meet him half way. Taking this Bill, then, in the sense of being a final measure, and not in the way of a compromise, I will say that I

should not oppose it if it came to a vote. But I object to the principle of this legislation on two grounds. I think the Bill so far from attaining the object desired, as it is regarded outside, frustrates it. I am not in the least speaking now of the motive of the noble and learned Lord in introducing the Bill, and very likely he knows of special cases where it may be of urgent importance on grounds of expense and practical convenience in cases of small properties of perhaps 25 acres; but there is a large section of the public who support legislation in this direction under the idea that it will facilitate the extension of land holding and the multiplication of freehold lodgings. Mr. Alm, before the Allotments Committee, said that was the ground of his support of the Land Transfer Bill. I would ask your Lordships to consider for a moment what is the most likely way in which these multiplications of holdings can be brought about in the way of sale; and I say, unhesitatingly, that it is in cases where the mansion and demesne are reserved. Where the mansion and demesne are sold, they pass away from the proprietor, whose family has, perhaps, held them for generations, it may be to some capitalist; whereas, if there is a reservation of the mansion and demesne, there is no reason why the land outside should not be sold in separate lots and to different persons. It is not the majority of those who support legislation of this kind who would wish to see the manors of England dismantled, or the parks, which are the distinguishing feature of the landscapes of England, destroyed and broken up. Wherever the mansion and demesne are reserved there is always a chance given to a family which has held the estate of recovering its position and maintaining itself in the locality where it has existed, perhaps, for centuries. Of course, the Bill is promoted in the interest of landowners, and it is so far of advantage to them that they will be in a better position to maintain their mansions. It occurs to me that where there is a difference between the tenant for life and the Trustees in nine cases out of 10 the members of the family are in favour of the retention of the mansion and demesne, and are with the Trustees as against the individual; and I say, in this legislation you are sacrificing the family to the individual. Those are the grounds upon which, though I should not vote against the Bill upon the principle, I should not vote for it as it is introduced before your Lordships' House by the noble Earl.

On Question, their Lordships divided:—Contents 22; Not-Contents 21.

Resolved in the affirmative.

*THE EARL OF KIMBERLEY: I would make one suggestion to the noble and learned Lord. It may be unnecessary, because the Court, as I understand, has to approve of these schemes, and it might, perhaps, deal with the matter; but it is quite obvious, supposing an insurance upon the house which has been burned down, it would not be reasonable for the tenant for life to put the money in his pocket and raise the amount upon the estate necessary for the purpose of re-building the house. It ought, I think, to be made clear that the money received from the Insurance Company should go as far as necessary towards the re-building of the house, and that if sufficient for entirely re-building the house, no money ought to be raised. That ought certainly to be made plain.

THE LORD CHANCELLOR: I think so too, and also that the calamity must have happened—that the house must have been burnt down; because otherwise the tenant for life might pull down the house by way of improvement, and re-build it at the expense of the remainder man.

*THE EARL OF POWIS: I would suggest to the noble Lord in charge of the Bill that the power should be limited to the estate on which the house is situate.

EARL CADOGAN: As the word "rental" is used in the Bill, I would ask, Does that mean gross or net rental?

LORD HERSCHELL: With regard to the noble Earl's suggestion, I am not sure that the security against what has been pointed out would not arise in this way. These are improvements within the meaning of the original Act, and Section 26 of that Act provides that—

"Where the tenant for life is desirous that capital money arising under this Act shall be applied in or towards payment for an improvement authorised by this Act, he may submit for approval to the Trustees of the Settlement

or to the Court, as the case may require, a scheme for the execution of the improvement, showing the proposed expenditure thereon."

So that the tenant for life would not be able to expend the money at his own pleasure without a scheme. Probably in that way he would be prevented doing what the noble Earl has suggested. With regard to its being confined to the particular estate, I apprehend the power ought to be confined; but I suppose the Court would see that it was an estate settled to similar uses to that for which the mansion house existed. It would not do for some remainderman to expend the money raised from one estate upon another estate. That ought obviously to be guarded against. If it were confined to estates settled to the same uses, I do not know that there would be any harm. The remainderman would be the same, although the money would not arise from the same piece of land as that surrounding the principal mansion house. I take it, it would be better for the remainderman, as a rule, because he would get the estate with the mansion house upon the estate habitable instead of ruinous. That is the advantage he gets out of it.

Report of Amendments to be received on Thursday next; and Bill to be printed, as amended. (No. 212.)

CUSTOMS CONSOLIDATION ACT, 1876, AMENDMENT BILL.—(No. 152.)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD MACNAGHTEN: My Lords, this Bill has passed the House of Commons, as I understand, with the assent of the Government. It proposes to amend one clause in the Customs Consolidation Act, 1876, which defines the penalty attaching to vessels for breach of the Revenue Laws. As that section at present stands, the penalty is forfeiture, whatever may be the size or value of the vessel. This Bill proposes to substitute a fine in the case of vessels of 250 tons burden and over. I beg to move the Second Reading of the Bill, and that it be referred to the Committee on Law.

Bill read 2ª (according to order), and committed to the Standing Committee for Bills relating to Law, &c.

Lord Herschell

PAUPER LUNATIC ASYLUMS (IRELAND) (OFFICERS' SUPERANNUATION) BILL.—(No. 209.)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD DE ROS: In asking your Lordships to give a Second Reading to this Bill, I will merely say that it has received the sanction of the other House of Parliament, and also of Her Majesty's Government. It is for the purpose of benefiting a class of persons, the officers and servants of pauper lunatic asylums in Ireland, who have a very great amount of wear and tear, and whose duties require the exercise of a great amount of humanity and discretion in performing them. The Bill provides that the Governors may, at their discretion, recommend certain sums to be given to the officers or servants when incapacitated by sickness, age, or infirmity, or who have attained the age of 50, and have been in the Asylums not less than 15 years. That recommendation is to be approved by one of the Inspectors, and is to receive eventually the sanction of the Lord President in Council. I hope your Lordships will grant a Second Reading to this Bill.

Bill read 2ª (according to order), and committed to a Committee of the Whole House to-morrow.

COMMITTEE OF SELECTION FOR STANDING COMMITTEES.

Report from, That the Committee have added the Lord de Ros, the Lord Tyrone (*M. Waterford*), and the Lord Morris to the Standing Committee for General Bills for the consideration of the Pharmacy Act (Ireland) (1875) Amendment Bill; read, and ordered to lie on the Table.

House adjourned at twenty minutes before Six o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Monday, 21st July, 1890.

QUESTIONS.

CROFTERS IN SOUTH UIST.

MR. FRASER-MACKINTOSH (Invernessshire): I beg to ask the Lord Advocate whether he is aware that the large island of South Uist is divided the one half and richer among 12 farmers, and the other and poorer among 1,250 families; that the Crofters have been in use to gather for sale the perishable commodity of sea ware called tangles, not only on the shores of their own lands, but also on those of the large farmers, without let or hindrance; but that, so soon as the Crofters, who had formerly considered themselves bound to sell to the proprietrix, understood they were entitled to free market, and began their operations this season in usual form, the proprietrix instigated some of the larger tenants, who do not themselves engage in the work, to interdict the Crofters from pursuing their occupation, and has in her own and their name instituted process to this effect in the highest and most expensive legal Court in Scotland; whether he is aware that, at a great open-air meeting held at Dalibrugh on the 16th of June, the people loudly complained of their treatment, and demanded legislative redress; and whether he will take steps to legislate for the relief of the people primarily interested, and against the closing of a valuable chemical trade?

A LORD OF THE TREASURY (Sir H. MAXWELL, Wigtonshire): I have been requested by my right hon. and learned Friend to answer this question. I am informed that it is not the fact that the Crofters have been in use to gather tangles on the shores of South Uist; nor is it the fact that they have sold the tangles to the proprietor. The industry, which is comparatively of modern growth, has always been conducted by the proprietor of the foreshore on the island, who pays to those Crofters employed to gather the tangles the whole proceeds under deduction of expense of supervision and incidental outgoings, and these Crofters are under no obligation to work if they are dissatisfied with the remuneration the proprietor is able to give them. I am further informed that some months ago some Crofters asserted a right to enter upon and use a farm for gathering and drying tangles. An interdict has been brought against them and is now *sub judice*. I believe it is the case that an open-air meeting was held on or about June 16, at which this, among other subjects, was discussed. My information being that no valuable chemical trade has been closed, and that no change has taken place in the manner of conducting this industry, I am unable to discover any legitimate grievance which calls for remedy by legislation.

NUISANCE AT BATTERSEA.

MR. OCTAVIUS V. MORGAN (Battersea): I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to proceedings which have been instituted by the Vestry of the Parish of St. Mary, Battersea, against Messrs, Hudson and Covington, under the provisions of the Nuisances Removal Act, 1855, 18 and 19 Vic., cap. 121, before the Magistrate sitting at the Wandsworth Police Court, for the purpose of obtaining an order prohibiting the nuisance arising from the deposit of house refuse, &c., on premises in Victoria Road, Battersea; and whether, bearing in mind that the population of the Metropolis has about doubled, while in the same time the population of Battersea has grown from 11,000 to nearly 200,000 since the Act referred to was passed, he will state whether Her Majesty's Government intend to take steps with a view to the insertion of a clause in either the Infectious Disease (Prevention) or the Public Health (London) Consolidation Bills, now under the consideration of the Standing Committee on General Bills of the House of Lords, prohibiting the sorting, sifting, or accumulation of refuse in any part of the metropolitan area?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): I am informed that the Vestry of St. Mary, Battersea, are instituting proceedings under the Nuisance Removal Acts against the occupier of certain lands for creating a nuisance by the deposit of

house refuse and other offensive matter. No decision in the case has, so far as I am aware, been as yet obtained. I may remind the hon. Member that the Infectious Disease Prevention Bill has been passed in the House of Commons, and was read the third time in the House of Lords on the 17th instant, and that there is no Public Health (London) Consolidation Bill at present before the House. Consequently, the Government cannot, apart from any other consideration, act upon his suggestion.

INDIA COUNCIL BILLS.

MR. SAMUEL SMITH (Flintshire): I beg to ask the Under Secretary of State for India whether (1) it is the case that for some time past India Council Bills have been sold much beyond the average monthly rate; (2) whether this was done to take advantage of the higher exchange caused by anticipated silver legislation in America; (3) whether the present rate of exchange is much higher than that at which those surplus sales of Council Bills were made; (4) whether the Indian Treasury has thereby sustained a considerable loss; (5) and whether he will consider the advisability of delaying action as far as possible and await the full effect of the passage of the American Silver Bill, in view of the possibility of a rise to about 1s. 11d. per rupee, the old rate of exchange before silver demonetisation took place?

*THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): The answer to the first paragraph of the hon. Member's question is in the negative. India Council Bills have not been sold for some time past much beyond the average monthly rate. The answer to the second part of the question is also in the negative. The expectation of legislation in the United States has not influenced the amount of the sales. The answer to the third paragraph is that the present rate is higher than it has been for the last five years. The answer to the fourth paragraph is in the negative. There has been no surplus sale, and consequently no loss. As regards the last paragraph, the Secretary of State cannot delay such sale of bills as is necessary to meet the wants of the Service on the chance of a future rise in the value of silver.

THE SALT TAX IN INDIA.

MR. HOYLE (Lancashire, S.E., Heywood): I beg to ask the Under Secretary of State for India what was the total amount paid into the Indian Exchequer from the Salt Tax during the last financial year; and what, during the fifteen weeks that have elapsed of the current financial year, is the amount received from the sale of bills and transfers over and above the estimate of the Finance Minister of India owing to the rate of exchange having risen higher than his estimate of the probable exchangeable value of the rupee?

*SIR J. GORST: The gross receipts from the Salt Tax for 1889-90 were 8,192,500 tens of rupees. The answer to the second question of the hon. Member is that the amount received during the current financial year from the sale of bills in excess of the estimate is £437,000.

*MR. HOYLE: May I ask the right hon. Gentleman whether the present rate of exchange will yield a surplus of £2,500,000?

*SIR J. GORST: I must ask for notice of that question.

THE BURMA RUBY MINES COMPANY.

DR. CAMERON (Glasgow, College): I beg to ask the Under Secretary of State for India whether his attention has been called to the statement made by the Chairman of the Burma Ruby Mines Company, Limited, at the ordinary general meeting of shareholders of that company, held on the 16th instant, to the effect that the Board had that day discussed the propriety of applying to the Government of India to relieve them of the payment of four lakhs of rupees per annum agreed on as the price of their concession, on the ground that the operations of the company had not resulted profitably; and whether he will undertake that no remission of this portion of the Indian Revenue shall take place without the House of Commons being previously informed of the fact?

SIR J. GORST: The Secretary of State has received no official communication on the subject, but he has seen a newspaper report of the meeting. The Secretary of State cannot give the pledge suggested. But no such application has

been made either to him or, so far as he knows, to the Government of India, and he is not aware of any grounds upon which the rent of the Ruby Mines could be justly remitted.

SILVER.

MR. STEPHEN WILLIAMSON (Kilmarnock Burghs): I beg to ask the Chancellor of the Exchequer if, in view of the marked influence of American legislation on the gold price of silver in the London market, he is taking steps to secure a full supply for mintage purposes for our token silver currency?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): No, Sir; the Mint does not speculate in silver. But, subject to reasonable foresight and forecast, it must buy according to its requirements.

WILLESDEN BOARD SCHOOL.

MR. CHANNING (Northampton, E.): I beg to ask the Vice President of the Committee of Council on Education whether complaints have reached him that the temporary School Board school at Willesden has no playground, no class room, is dark and ill-ventilated, and its sanitary arrangements are of the worst possible character; whether any complaints have been made by Her Majesty's Inspector as to the structural condition of this school; whether he is aware that the present School Board has acquired a site for a building to accommodate 1,000 children, and, notwithstanding their engagement to build for this number of children, have persistently neglected to do so; and what action the Education Department intends taking under the circumstances?

*THE VICE PRESIDENT OF THE COUNCIL (Sir W. HART DYKE, Kent, Dartford): I am aware that the temporary school is in a defective condition, but the Board is being pressed to improve the sanitary arrangements, as well as to proceed with the permanent building, which it is their duty to provide; and there is no intention to permit them to evade their responsibility in either regard.

MR. MUNDELLA (Sheffield, Brightside): Seeing the length of time which has elapsed, may I ask why the Department has not stirred in the matter?

*SIR W. HART DYKE: I have just said that I have received information that the School Board are taking steps.

MR. MUNDELLA: In the meantime there is no class room, and it is not a suitable building at all for a school.

MR. CHANNING: Has the right hon. Gentleman received any assurance that the School Board are about to proceed with the building?

*SIR W. HART DYKE: Yes, Sir; I have received an assurance.

BRITISH GUIANA.

MR. WATT (Glasgow, Camlachie): I beg to ask the Under Secretary of State for the Colonies whether he is now in a position to give the House any information with regard to the scheme of Constitutional reform for the Colony of British Guiana, as approved by the Secretary of State?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): The Secretary of State has formulated his views in a Despatch to the Governor, who has replied on certain points, and pending the completion of the correspondence it would not be to the public interest to give further information.

THE FACTORIES ACT.

MR. WATT: I beg to ask the Under Secretary of State for the Home Department whether his attentien has been called to the refusal of the Certifying Surgeon of the Retford district of Nottingham to grant a certificate under the Factories Act, 1878, to John Rutherford, aged 15 years, of fitness to work in an iron foundry, upon grounds which another factory Inspector, as well as two other independent medical men, have stated are insufficient to preclude the lad obtaining a certificate; and whether, as it is a serious matter, preventing the lad from following his occupation, he will cause an inquiry to be made into the circumstances of the case?

THE UNDER SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. STUART WORTLEY, Sheffield, Hallam): The Chief Inspector has made inquiry and reports that the father wished his son, aged 14, to be apprenticed to him as an ironfounder. The Certifying Surgeon, not considering him fit for employment in an ironfoundry, declined to give him

a certificate. The father then had the boy examined by two surgeons, who saw no objection to his being employed. These opinions were placed in the hands of the Certifying Surgeon, who, however, still retained his opinion. There is no appeal from the decision of the Certifying Surgeon. The boy is, therefore, debarred from working in the ironfoundry, but a certificate of fitness would be given to him for other occupations.

MACHINE GUNS.

MR. GRAY (Essex, Maldon): I beg to ask the Secretary of State for War whether the Government will issue to Volunteer Battalions possessing machine guns the requisite ammunition for practice with such guns?

MAJOR RASCH (Essex, S.E.): I beg, also, to ask the right hon. Gentleman whether, as Volunteer Battalions to which machine guns are attached are subject to a charge for ammunition on the occasion of field days with the Regular Forces, an allowance, or a free supply, can be issued to them?

*THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): Machine guns having been obtained by the Volunteers themselves do not come within the rule which authorises the free issue of ammunition for use in rifle practice. But I will consider the matter before next year's Estimates.

ARMENIA.

MR. SCHWANN (Manchester, N.): I beg to ask the Under Secretary of State for Foreign Affairs if he has yet obtained information as to whether the assertion that there are still Christian Armenian prisoners lying untried for the last two years in the gaols of Erzeroum and Erzingian be true; and, if so, will he use his influence to cause them to be tried, and, if innocent, set at liberty?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): The Consul at Erzeroum reported in February last that five Armenians, who had been imprisoned for two years, were awaiting confirmation of a sentence of banishment. Her Majesty's Ambassador brought the matter unofficially to the notice of the Grand Vizier. Further inquiries will be made.

MR. SCHWANN: I beg to ask the Under Secretary of State for Foreign Affairs whether his attention has been drawn to the statement in the *Daily News* of 18th July, that it was owing to the advice of the British Government that the Turks are increasing the military in Armenia, and also to the report, in the same paper, that in Erzeroum people disappear, no one knows how or whither, and that during the late riots about one hundred persons disappeared, mostly women, who were at the public baths at the time, and are supposed to have been abducted by Mussulmans; and, if he has no information on the latter point, would he cause inquiries to be made into the truth of those reports?

*SIR J. FERGUSSON: As was stated in reply to a question from the hon. Member for Stoke-on-Trent on the 14th inst., certain recommendations made by the British, French, and Russian Consuls have been communicated to the Porte. A re-inforcement of the garrison of Erzeroum, and the patrolling of the country districts with cavalry, with a view to the protection of the rural population, were amongst the measures recommended. No corroboration has been received of the alleged abduction of women.

MR. SCHWANN: Is it intended to use Turkish irregular cavalry in Armenia?

*SIR J. FERGUSSON: No, Sir; I believe they are regular cavalry.

MAIL SERVICE IN THE NORTH OF SCOTLAND.

MR. ANGUS SUTHERLAND (Sutherland): I beg to ask the Postmaster General whether, seeing the Highland Railway Company have now expressed their readiness to continue the letter-sorting carriage at present stopping short at Tain on to Helmsdale without additional charge to the Post Office, and seeing this can be done without interferance with or prejudice to the general re-arrangements of the mail service in the North of Scotland now under the consideration of his Department, he will without delay give effect to the improvement by ordering the sorting

clerks to continue their duties on to Helmsdale?

*THE POSTMASTER GENERAL (Mr. RAIKES, Cambridge University): It is true that the Highland Railway Company have liberally offered to extend as far as Helmsdale, without charge, the journey of the letter-sorting carriage which is now detached from the down day mail train at Tain, thus increasing the daily journey by 113 train miles. The employment, however, of the requisite sorting force would throw extra expense on the Post Office, and the number of letters which would be benefited is very small. I will consider whether, under these circumstances, I shall be justified in accepting the company's offer.

GAMBIA.

MR. BARBOUR (Paisley): I beg to ask the Under Secretary of State for Foreign Affairs if his attention has been called to a communication in the *Times* of the 16th instant, in which negotiations are said to be in progress which may result in the transfer of the British Envoy of Gambia to France; if there is any foundation for this statement; and if, in the case of the transfer being ultimately decided on, due precautions will be taken for the preservation of British commercial interests?

*SIR J. FERGUSSON: There is no foundation for the report that any negotiations are proceeding in reference to the Gambia.

PAROCHIAL RECORDS.

DR. FARQUHARSON (Aberdeenshire, W.): I beg to ask the Scottish Lord of the Treasury whether he is aware that the Rev. Thomas Bruce, of the Free Church, Rhynie, Aberdeenshire, was refused permission, on the 24th of May, to inspect and make extracts at the Register House, Edinburgh, from the records of the parish of Calluce, on the ground that he was not the minister of that parish; and whether this restriction has been framed by the authorities, or has been sanctioned by them?

SIR H. MAXWELL: Permission to inspect and make extracts from the register is never refused to anyone who applies and pays the statutory fees. There is no record or recollection in the office of Mr. Bruce having been there on the date mentioned in the question; but, from the search book, it appears that a Thomas Bruce, presumably the reverend gentleman referred to, made a search on the 27th May in the birth register of the parish of Calluce, and paid the fee of one shilling. The inspection of, and making extracts from, these registers is regulated by statute, and the regulations apply equally to all persons and denominations, except in the case of a Kirk Session of a parish, or anyone acting under its authority, desiring to have access to certain sessional records of such parish referred to in the statute.

MORTALITY AMONG ARMY MEDICAL OFFICERS.

DR. FARQUHARSON: I beg to ask the Secretary of State for War whether he accepts the statement made by Mr. Denham Robinson, Actuary to the War Office, before the Departmental Committee, presided over by Lord Camperdown, that the rate of mortality among the officers of the Army Medical Department is nearly double that among combatant officers, or in the proportion of seven combatant officers to 13 medical officers serving; and whether, in view of this high mortality, he is prepared to re-consider the question of allowing the medical officers only six months of sick leave as compared with the twelve months which are granted to combatant officers?

*MR. E. STANHOPE: Taking the years of service as from 24 to 55, the loss by death out of 1,000 combatant officers would be 335·2, as compared with 497·7 out of 1,000 medical officers—nearly two to three. This medical mortality is based on the experience of the years 1852 to 1871. As I stated in reply to a previous question, the increase of sick leave is a question of expense, as substitutes would have to be provided.

THE RAILWAY AND CANAL TRAFFIC ACT.

MR. H. H. FOWLER (Wolverhampton, E.): I beg to ask the President of the Board of Trade whether any communication has taken place between the Board of Trade and any railway company, since the termination of the public inquiry with reference to the classification and Schedule under "The Railway and Canal Traffic Act, 1888"; and, if so,

will he lay such communication upon the Table?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): Yes, Sir: letters were written on Saturday to the London and North Western Railway Company and the Great Western Railway Company, enclosing, with the object of coming to an agreement, draft Schedules proposed to be made applicable to those companies respectively. Copies of these letters and Schedules were forwarded to the Railway Association. Copies of all these communications will be on sale at the Stationery Office.

PRIVATE BILL PROCEDURE.

MR. LENG (Dundee): I beg to ask the President of the Board of Trade whether he has observed that within a few days the decisions of Committees of this House in the cases of the North British and Glasgow and South Western Railway Bill, the London Central Railway Bill, and the Ayr Harbour Bill have been reversed by Committees of the House of Lords; and whether he will consider the propriety of proposing the substitution of one tribunal, representing both Houses of Parliament, for the present system of double inquiries before Committees of each House?

*SIR M. HICKS BEACH: Yes, Sir; I have noticed the decisions referred to by the hon. Member. The question raised is one of great importance, affecting the whole procedure on Private Business. Her Majesty's Government have proposed a change in this matter with regard to Scotland, and until the House has considered that proposal I do not think it is likely that any legislation on the subject with regard to England can be undertaken.

WELSH WITNESSES.

MR. G. OSBORNE MORGAN (Denbighshire, E.): I beg to ask the Under Secretary of State for the Home Department whether his attention has been called to a case decided by the Justices in Petty Sessions at Colwyn Bay, on the 5th July, in which the defendant was fined 1s. and costs, and it was sought to include in such costs a fee of 5s. for interpreting the evidence of a Welsh witness, the Clerk to the Magistrates stating that it was the practice to charge that fee when the services of an interpreter were required; whether the Magistrates expressed their disapproval of the practice, on the ground that it was equivalent to punishing a man because the witnesses were Welshmen, and disallowed the charge; and whether, if the practice be as stated, he could take any steps to put a stop to it in future?

MR. STUART WORTLEY: Yes, Sir; the Secretary of State has seen a newspaper report, from which he gathers that the facts are as stated in the first and second paragraphs. The practice which prevails in the Metropolitan Police Courts is that the cost of an interpreter whose intervention is necessary to prove the case is paid out of the Police Court fund. The Secretary of State is now in communication with the Justices, with the view of removing any grievance from which Welsh witnesses may suffer in this respect.

INSPECTORS OF WEIGHTS AND MEASURES.

MR. PICTON (Leicester): I beg to ask the President of the Board of Trade whether Inspectors of Weights and Measures who present themselves for examination, with a view of obtaining their certificates of qualification from the Board of Trade, and who happen to fail in any one of the prescribed subjects, are debarred from further examination for a period of six months; and, if so, whether he is aware that this rule is the cause of great inconvenience to Local Authorities and officers concerned; and whether he can amend the regulations with a view of reducing the limit of time between one examination and another?

*SIR M. HICKS BEACH: Yes, Sir; the rule is as stated by the hon. Member, but I am not aware that its application has been a cause of inconvenience to Local Authorities, who are quite free to appoint another Inspector for the period which must elapse before a failed candidate can again present himself for examination. As the prescribed test is by no means a difficult one, and is chiefly of a practical nature, I am not prepared, as at present advised, to make any change in the regulations.

MR. PICTON: If a man failed in some insignificant matter is it not a hardship to put him back for six months?

*MR. BRADLAUGH (Northampton): Might it not be possible not to require re-examination on subjects in which the candidate has already passed?

*SIR M. HICKS BEACH: I understand the hon. Member for Leicester (Mr. Picton) to desire more frequent examinations.

MR. PICTON: The point I wished to raise was that if a man fails in some insignificant particular, a period of six months should not elapse before he is re-examined. I understand that that is the case now.

*SIR M. HICKS BEACH: Yes, Sir.

THE CENSUS.

MR. SUMMERS (Huddersfield): I beg to ask the President of the Local Government Board whether he will call the attention of the Registrars to the observations of the Census Committee on the manner in which enumerators have hitherto been selected, and will give instructions that in future a large proportion of the enumerators chosen shall be women?

*MR. RITCHIE: The special attention of Superintendent Registrars and Registrars will, as suggested by the Census Committee, be directed to the importance of a very careful selection of enumerators and to the particular educational qualifications which it is essential that the persons employed should possess. The Committee observe that women are eligible for appointment as enumerators, and that they think that in many instances they might be so employed with advantage. There will be no objection to the Registrars being informed as to this.

OUTRAGES AT VAN.

MR. F. S. STEVENSON (Suffolk, Eye): I beg to ask the Under Secretary of State for Foreign Affairs whether he now has any information to communicate with respect to the outrages committed in and near Van?

*SIR J. FERGUSSON: No further information has been received since the date of the hon. Member's question on July 1. Inquiry will be made.

THE LOCAL TAXATION PROPOSALS.

MR. HOWARD VINCENT (Sheffield, Central): I beg to ask the Chancellor of the Exchequer if Her Majesty's Government have yet determined upon their recommendation as to the application of the extra taxation upon spirits, approved by this House in the belief that it would be utilised for the benefit of the contributors?

MR. SEXTON (Belfast, W.): I have also to ask the right hon. Gentleman to what purposes the Government propose to appropriate the sum of £40,000 allotted to Ireland as the Exchequer contribution in respect of Local Taxation Licences, and the sum of £40,000, the unallotted portion of the Irish share of the new Beer and Spirit Duties?

MR. GOSCHEN: Some misapprehension may possibly be conveyed by the wording of the question of my hon. and gallant Friend. He uses the word "contributors," but a controversy may arise as to who the contributors really are, the distillers and brewers, or the retailers, or the consumers. But there is the possibility of a further misapprehension. The extra taxation upon spirits and beer was not approved by the House of Commons in the belief that the whole amount would be utilised for the benefit of the contributors, but with a proposal before it that one-third should be devoted to a certain purpose, an amount of £440,000, out of £1,304,000. If my hon. and gallant Friend's question is intended to suggest that, the purpose having failed, the tax ought to be repealed, the suggestion would only carry us to the repeal of one-third of the tax—namely, 2d. on spirits and 1d. on beer. Such a fractional repeal would, however, I have been given to understand, be unpalatable to those interested in the tax. It would disturb arrangements, contracts, price lists, &c., without offering any appreciable relief. We, therefore, discard that solution of the application of the money set free. And further we shall abide by the principle of this extra tax—namely, that it shall be devoted to local purposes spread over the whole country. This precludes the adoption of the suggestion contained in the question put by the hon. Member for Camborne to the First Lord of the

Treasury that a large portion should be devoted to purchasing the Crystal Palace for the nation. I will now state what we propose as regards England, Scotland, and Ireland respectively. As regards England we propose to add the amount set free by the abandoned licensing clauses to the residue which, under the Bill as it stands, goes to the County Councils, accompanying this inclusion by an intimation that possibly new charges may, by-and-by, be put upon them, with reference to intermediate, technical, or agricultural education. It seems very desirable, if more is to be done in this respect, that the localities, and especially County Councils, should be interested in the work. In England there is at present little machinery available for carrying out such an object, and it would be impossible to create such a machinery at this period of the Session. But in Wales and in Monmouthshire the machinery does exist. County Councils may supply funds to the Joint Committee for intermediate education under the Act of last year out of the county rate, but to the extent of a halfpenny of such rates only. We shall propose that the County Councils in Wales should have authority to increase the sum out of the additional funds now placed at their disposal. As regards the £50,000 which falls to the share of Scotland, we also propose that the amount set free should go to the County Councils. The House will bear in mind, that while in England and Ireland much has been done for the ratepayer, so far in Scotland the ratepayer has scarcely had any advantage whatever out of the revision of local taxation, and it seems but just that his case should receive some consideration. As regards Ireland, we shall propose that the £40,000 which falls to her share should be utilised for the further promotion of intermediate education, and for this purpose should be placed at the disposal of the Intermediate Education Board for Ireland, a body which, I believe, commands the confidence of the Irish public generally, irrespective of political and religious differences.

*Mr. HOWARD VINCENT (Sheffield, Central): May I ask whether the right hon. Gentleman will consider the revision of this extra taxation in his next year's Budget?

Mr. BUCHANAN (Edinburgh, W.): Do the same reservations apply to Scotland as to England?

Mr. GOSCHEN: No, Sir; there is no such reservation.

Mr. BUCHANAN: Will it simply become a part of the residue under the Bill?

Mr. GOSCHEN: Yes, Sir.

Mr. SEXTON: To what purposes do the Government propose to appropriate the sum of £40,000 allotted to Ireland, and the sum of £40,000, the un-allotted portion of the Irish share of the new Beer and Spirit Duties?

Mr. GOSCHEN: The £40,000 allotted to Ireland as a set-off against the gain derived by England and Scotland from the excess of licences received over grants dropped, we propose to devote to assisting the Irish Local Authorities who have taken action, or should hereafter take action, under the Irish Labourers' Dwellings Acts of 1882 and 1885.

Mr. A. ACLAND (York, W.R., Rotherham): Are the English County Councils to be allowed to use the money for intermediate and technical education, or do the Government only express an opinion that some day they may have to do so? With reference to Wales I would ask the right hon. Gentleman whether the County Councils there are to be directed to use this money to help the intermediate education which now exists, or whether they are only to be allowed to do so if they choose to pass a vote to that effect?

Mr. SINCLAIR (Falkirk Burghs): Will it be competent to the County Councils in Scotland to devote their share, or any part of it, for the purposes of education?

Mr. GOSCHEN: No, Sir. I believe it would not be possible for them to devote any part of that sum to purposes to which, by law, they cannot apply them. I am aware that the desire of a good many Scotch members is that this money should be devoted to setting education entirely free in Scotland; but that would have to be done by legislation. With regard to the question put to me by the hon. Member for Rotherham, I have explained that at this period of the Session it would be impossible to set up machinery for technical and intermediate education in England. The money will be placed at the disposal of the English County Councils, but an intimation will be given

to them which may guide them so that they may not spend it in a manner which would seem to stereotype in any way that payment to them. It will be pointed out to them that charges may, in the future, be put upon them in regard to intermediate education. It will be rather in the nature of a warning to them not to employ the money in such a manner as might imply the permanency of the payment.

MR. A. ACLAND: What is to be done about Wales?

MR. GOSCHEN: They will not receive any direction. They have the authority to use the money in that way. I would ask hon. Members whether it would not be better to wait until they see our proposals embodied in the new clauses, as, in answering questions across the Table, I might be guilty of some slip, which might lead to misunderstanding by-and-by.

CLARENCE BARRACKS, PORTSMOUTH.

SIR WILLIAM CROSSMAN (Portsmouth): I beg to ask the Secretary of State for War whether it is intended to cut down the clump of old trees now standing on what was part of the old fortifications behind the old Clarence Barracks at Portsmouth; and, if so, if it is on account of their interfering with the new barracks which are about to be built; and whether some modification in the plan, could be made so that so great an ornament to the place might be preserved?

*MR. E. STANHOPE: This question has been referred to the Army Sanitary Committee as one likely to affect the sanitary condition of the proposed new barracks. Their Report is expected shortly, and upon it will depend the decision as to whether it will be possible so to modify the plans of the barracks as to preserve the trees.

BRUNEI.

MR. JOHNSTON (Belfast, S.): I beg to ask the Under Secretary of State for Foreign Affairs whether any correspondence has taken place between the Sultan of Brunei and the Colonial Authorities on the subject of recent transactions between him and Rajah Brooke; and if he will lay the correspondence upon the Table of the House?

*SIR J. FERGUSSON: Some correspondence has taken place between the Sultan of Brunei and the Colonial Authorities on the subject of transactions between him and Rajah Brooke. That correspondence is, however, incomplete, and, the subject being still under consideration, no Papers can be laid at present.

MR. SEXTON: Is there any truth in the statement that Labuan is to be handed over to this country?

*SIR J. FERGUSSON: No, Sir; it is not the case.

COMPOSITIONS FOR SHIPS.

SIR WILLIAM PLOWDEN (Wolverhampton, W.): I beg to ask the First Lord of the Admiralty who is the officer specially deputed to watch the result of compositions applied to ships of the Navy and those of the mercantile marine; is this officer an expert, and what previous technical experience and education has he had to qualify him for his duty; and when will Treasury sanction be obtained for his appointment?

THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): The officer in question is Commander Pitt, R.N. Commander Pitt, in addition to his naval experience and training, was a member of an Admiralty Committee on compositions for coating ships' bottoms, and when that Committee, as a body, ceased their investigations, this officer was retained to watch the matter for a period of six months from the 1st of April, 1888. His services in this capacity were found so valuable that he has since been retained for two further periods of 12 months each, which were renewed as they expired. The term of his present appointment expires on September 30. The sanction of the Treasury has not been asked, the employment of this officer being special, and involving no addition to the permanent establishment.

THE GRENADIER GUARDS.

MR. PICKERSGILL (Bethnal Green, S.W.): I beg to ask the Secretary of State for War whether the 2nd Battalion of the Grenadier Guards has been ordered to proceed abroad; and, if so, whither; what regiment will it replace; and when was the last occasion of the

Foot Guards being sent abroad in time of peace?

*MR. E. STANHOPE: It is true that, after considering very carefully the evidence taken by the Court of Inquiry and all the circumstances of the case, His Royal Highness the Commander-in-Chief has decided to order the 2nd Battalion of the Grenadier Guards to proceed to Bermuda. I deeply regret that anything should have occurred to bring any discredit on the battalion, and I am sure that both officers and men will desire at the earliest date to regain the high reputation which attaches to the whole regiment. His Royal Highness has also directed that the command of the battalion shall be taken up by Colonel Eaton, and that no leave is to be granted to officers or men till further orders. The events which have occurred open up some questions which will be very carefully considered by His Royal Highness. But there is one point as to which no responsibility whatever attaches to the Guards, but which ought to be dealt with. I allude to the absence of any sufficient accommodation in the barracks for the officers, a fact which places them at a disadvantage as compared with Line regiments, and for this I hope to be able to provide under the Barracks Bill recently passed by this House, so that an officer per company shall always reside in barracks. The 2nd Battalion of the Grenadier Guards will replace at Bermuda the 1st Battalion of the Leicestershire Regiment, who are proceeding in the ordinary course to Halifax. The Guards are going instead of the 1st Battalion of the Liverpool Regiment from Aldershot, and, therefore, no extra expense is incurred.

MR. CUNINGHAME GRAHAM (Lanark, N.W.): Is this course to be regarded as being by way of punishment?

*MR. E. STANHOPE: I have stated the facts; the hon. Member can draw his own conclusion.

MR. PICKERSGILL: The right hon. Gentleman has not answered the last paragraph of my question?

*MR. E. STANHOPE: I should have said that Canada is the last place abroad to which the Guards were sent in time of peace.

MR. A. O'CONNOR (Donegal, E.): Can the right hon. Gentleman state what is the present position of Colonel Maitland?

*MR. E. STANHOPE: Colonel Maitland no longer commands the 2nd Battalion. The command has been taken up by Colonel Eaton.

MR. A. O'CONNOR: Is he on the retired list?

*MR. E. STANHOPE: He is, or will be, on half-pay.

MR. W. REDMOND (Fermanagh, N.): I should like to ask the right hon. Gentleman whether it was not originally intended to send the battalion to the Cape?

*MR. E. STANHOPE: No, never.

MR. LABOUCHERE (Northampton): Can the right hon. Gentleman state how long the battalion is to be away?

*MR. E. STANHOPE: No, I can say nothing on that point.

*CAPTAIN VERNEY (Bucks, N.): Do men who enlist in the Guards do so upon the understanding that they shall not be sent abroad except in the case of war?

*MR. E. STANHOPE: Certainly not.

THE HESSIAN FLY.

MR. F. S. STEVENSON: I beg to ask the President of the Board of Agriculture whether it is true that the Hessian Fly has appeared in the neighbourhood of Grantham; and what steps will be taken by the wide-spread diffusion of information, and by other means, to meet the danger which threatens the corn-growing counties?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. CHAPLIN, Lincolnshire, Sleaford): We have received no complaints as yet of the presence of the Hessian Fly in the course of the present summer in the neighbourhood of Grantham. But inquiries are now being made by the Board as to the truth of the statements which have appeared in certain newspapers respecting the appearance of the fly in that district and elsewhere. Repeated information has been circulated by the Board of Agriculture as to the methods to be employed in recognising and dealing with this insect plague. I have already desired that Circulars on the subject shall be re-issued, and every effort will be made to spread information on the subject as widely as possible, with the view of

counteracting as far as possible any danger from that source which may threaten the corn-growing counties.

ILLEGAL FISHING IN SCOTLAND.

MR. LENG: I beg to ask the Lord Advocate whether it has been brought to his knowledge that not only the nets, but the whole gear was taken by the gunboat *Watchful* from several steam trawlers, which were fishing within the limits in St. Andrew's Bay, on the 6th instant; whether he will state under what Act of Parliament the commanders of gunboats are authorised to seize the gear, which is of considerable value, in addition to the nets; whether he is aware that, when the cases were tried at the Sheriff Court in Cupar, on the 14th July, no copy of the Act containing such authority could be produced; and whether, if it is found that the gear was improperly seized, he will cause it to be returned to the owners of the trawlers without delay.

SIR H. MAXWELL: I am aware of the facts regarding the seizure of the nets and other fishing gear belonging to the trawler *Skylark*, on the recent occasion of her being caught fishing illegally in St. Andrew's Bay. The seizure of nets is authorised by the Herring Fishery Act of last Session. Whether or not the word "net" includes the other apparatus to which the net is attached, and which it is necessary to use for the purpose of trawling, is a question of law, depending upon somewhat minute facts about the apparatus. I am informed that when the case was tried the right to seize the gear was not questioned, but that the fact of its being seized was successfully pleaded in mitigation of sentence, the accused having tendered a plea of guilty. It is a question for a Court of Law to decide whether the seizure was illegal, but I have no doubt that if a Court held it was illegal, the owners of the nets would recover their property.

IRELAND—KILRUSH QUARTER SESSIONS COURT.

MR. JORDAN (Clare, W.): I beg to ask the Attorney General for Ireland whether it is a fact that there is an unsettled case at the instance of Patrick Lynan, Queen Street, Kilkee, in the Kilrush Quarter Sessions Court, for the past six years and nine months, and which has on some point of law been adjourned from Sessions to Sessions; and whether he will inquire into the cause of the delay?

*THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): I am informed that the case referred to, which is one for the administration of assets, was commenced in 1882. Three different solicitors undertook subsequently the case at various times but abandoned it. It was, however, again undertaken by another solicitor, and was partly heard at the last January Sessions and adjourned, not on a point of law, but for further evidence, to a subsequent Sessions. It now stands adjourned, both parties consenting, to the October Sessions, and will, it is presumed, be then finally disposed of.

COUNTY SURVEYORS.

MR. PINKERTON (Galway): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if county surveyors in Ireland have power, under any Act of Parliament, to fine contractors (without bringing them before any Court of Justice) for non-fulfilment of contract; if he is aware that, in the county of Londonderry, owing to the fines levied by the county surveyor, many contractors, or their sureties, have forfeited the full amounts of their bonds rather than submit to those exactions, and if the county surveyor has since altered the form of bond, and requires security to be given for double the amount of the contract; and if he can state the amount of fines levied, during the past three years, from contractors by the county surveyor of Londonderry without the defaulters being brought before any independent tribunal, or having any right of appeal?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): The reply to the inquiry in the first paragraph is, I am advised, in the negative. I have no official information with regard to the matters referred to in the remaining portion of the question, as they are not under the control of the Executive Government. But from a Report received from the county surveyor of Londonderry it appears that in no instance has he inflicted a fine, the practice being, in cases where contractors do not entirely fulfil their

contract, for the Grand Jury to deduct from the total amount of the contract the amount of the deficiency as calculated by the county surveyor. No contractor has, to the knowledge of the county surveyor, ever voluntarily forfeited the full amount of his bond in the manner suggested in the question. But in some cases contractors have been decreed in those amounts either in the Court of Quarter Sessions or a Superior Court. He states that no alteration has been made in the form of bond; but that the form of tender heretofore in use has been altered, under the advice of counsel, to amend a defect in the old form of which contractors had taken advantage to evade carrying out the terms of their contract. He reports that the amounts deducted for deficiencies in respect of all contracts during the years mentioned were as follows: Year ending Spring Assizes, 1888, £2,368; year ending Spring Assizes, 1889, £3,505; year ending Spring Assizes, 1890, £3,046.

"SHADOWING."

MR. FLYNN (Cork, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland in reference to the case against a Mr. Kent at last Fermoy Sessions, whether he can state if the Constabulary regulations on the question of "shadowing" over-ride the Common Law; and if a police constable or officer has any rights in connection with following or shadowing a civilian which a civilian has not with regard to a police constable or officer?

MR. A. J. BALFOUR: The reply to the inquiry in the first paragraph is in the negative. I cannot undertake to reply to the abstract question put in the second paragraph. The justification, or otherwise, for the proceedings referred to either by a police constable or a civilian must obviously depend upon the particular circumstances of the case.

MR. T. M. HEALY (Longford, N.): Has the Attorney General received the depositions in this case?

*MR. MADDEN: Yes.

MR. T. M. HEALY: Do they bear out the allegations made by the right hon. Gentleman in this House?

*MR. MADDEN: Yes; but I shall be happy to show them to the hon. Gentleman.

MR. T. M. HEALY: Was not the offence of which Mr. Kent was convicted the shadowing of a detective who was shadowing him?

*MR. MADDEN: My original statement was that he was a police officer in plain clothes. That was denied. But my statement appears from the depositions to have been accurate.

MR. J. O'CONNOR (Tipperary, S.): Is it an offence to follow a police officer in uniform, and not for a police officer to follow a civilian?

*MR. MADDEN: It is not an offence unless the following constitutes an obstruction to the officer in the discharge of his duty.

MR. T. M. HEALY: How is a civilian to know a policeman in the discharge of his duty if he is in plain clothes?

*MR. MADDEN: If the hon. Member will read the depositions he will see what the facts of the case are. The man knew perfectly well that the officer was a police constable engaged in the discharge of his duty.

MR. ROCHE (Galway, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that Mr. Thomas Hayes, of Portumna, on leaving his house on Sunday, the 11th of May, to attend evening service, was shadowed by Constable Murphy, who, when Mr. Hayes met two of his friends and stood to speak to them, stepped in between the three men, and ordered Mr. Hayes, who was smoking at the time, to stop doing so; that, upon Mr. Hayes' refusal to obey the order, and telling the constable that if he did not like the smoke he could easily get rid of it by walking away, he was arrested, brought to the barrack, searched, and £87 found in his pocket; that, although Mr. Hayes told the police he had sent on 15 cattle to the fair of Woodford, which was to be held on the following day, and requested that he should be brought before a Magistrate that evening, or early in the morning, so as to allow him to attend to the sale of his cattle, his request was refused, and he was kept in custody until 12 o'clock noon on Monday, and lost the sale of his cattle; whether Constable Murphy is the same man against whom both Mr. Fahy and Mr. Morrissey obtained decrees for £5 and £2 at last Quarter Sessions, held at Gort, for false arrest; can he explain how it

happened that, although Mr. Hayes was arrested on the 11th of May, the matter was allowed to drop until Fahy and Morrissey had obtained decrees against the constable; whether he has seen that it was proved at the trial that the constable had taken several pints of porter before he arrested Mr. Hayes, and that, after a full hearing, the case was dismissed; and, if so, what compensation is Mr. Hayes to get; and what action he proposes to take in reference to the constable?

MR. A. J. BALFOUR: I do not gather that the account in the first place can be taken as accurate, but the evidence given at Petty Sessions on the subject appears to have been conflicting. Mr. Hayes did not ask to be brought before a Magistrate, but, as a matter of fact, every effort was made to find a Magistrate at the earliest possible moment. Constable Murphy is the man referred to in the second paragraph. The police have, I believe, appealed. Through a mistake the summonses were not taken out by Hayes for the next Petty Sessions. But this had nothing to do with the claim against Murphy. There is no suggestion that the constable was drunk. The Magistrate, in dismissing the case, said the constable was injudicious, and that he gave Hayes the benefit of the doubt. The constable will be prosecuted at Portumna Petty Sessions, by order of the Solicitor General, under 6 William IV., c. 13.

MR. FLYNN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland in reference to the case of Mr. James O'Brien, of Killeagh, who was arrested for obstructing the constable who shadowed him at a fair, if he can now state whether it is a fact that Mr. O'Brien was compelled to wear the prison garments in Cork Gaol whilst confined as a bail or untried prisoner; and, if so, what explanation the Prisons Board have to offer on the matter?

MR. A. J. BALFOUR: The General Prisons Board report that the allegation that the prisoner mentioned wore the prison dress is without foundation.

ULSTER ROYAL SCHOOL ENDOWMENTS.

MR. T. M. HEALY: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland what is the cause of the delay in bringing into operation the scheme for distributing the Ulster Royal School Endowments, published 30th April, 1888, signed 28th June, 1889, remitted 6th November, 1889, and signed, as amended, 6th December, 1889; and can he explain why the scheme was not put in operation last February, in view of the fact that the delay will give the existing endowments the benefit of another half year's rent?

MR. A. J. BALFOUR: After the amended scheme, dated December 6, 1889, was submitted to the Lord Lieutenant, further objections were made, which resulted in its being remitted to the Educational Endowments Commission in May last, and a further question has since arisen as to the provision for the superannuation of officers. This necessitates a further sitting of the Judicial Commissioners, notice of which sitting has been given for the 30th inst., the earliest day after the return of the Judicial Commissioners from circuit. It is not possible to put the scheme into operation until it has been finally approved by the Lord Lieutenant in Council, and this cannot be done until after all the objections have been disposed of.

MR. MATTHEW WELD O'CONNOR.

MR. T. M. HEALY: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his statement has been called to the report of the judgment of Mr. Justice Monroe, *re* "King's Estate," in the Dublin papers of 4th July, dismissing Mr. Matthew Weld O'Connor from the receivership, and commenting strongly on his conduct in allowing four tenants to be sued for £27 2s., rent they had already paid, and surcharging him therewith, and with other sums, amounting to £181 13s., "verified" by Mr. O'Connor to have been spent on police huts and emergency men; whether Mr. O'Connor is a Magistrate for the three counties of Longford, Cavan, and Meath, and will be retained in the Commission of the Peace; whether he has observed that Judge Monroe also condemned the conduct of an under agent, named Francis Cooke, of whom his Lordship remarked that his form of receipt was "a curiosity," but that he

"Did not feel at liberty in holding on mere suspicion that Cooke had been guilty of perjury and fraud;"

whether Cooke is barony cess collector, process server, and summons server in Longford or Leitrim; will the Government take any steps to have him removed from these positions; will a Secret Inquiry, under Section 1 of the Criminal Law and Procedure (Ireland) Act, be held to obtain evidence to prosecute Cooke in case that existing already is not considered sufficient; if not, is the judicial suspicion of "perjury and fraud" considered insufficient to ground such inquiry; and is Cooke the same person who was tried for shooting a girl in Mohill, and got off on the plea of self-defence?

MR. A. J. BALFOUR: I beg to refer the hon. and learned Member to the replies already given on the matters of fact referred to in this question. As regards the alleged statement made in court with respect to Cooke's action, steps are being taken to ascertain what actually occurred in Court, and the Attorney General for Ireland will then consider the matter.

ALLEGED OUTRAGE BY ORANGEMEN.

MR. BLANE (Armagh, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he is aware that, on Sunday, 6th July, a number of Catholic excursionists from Portadown and Armagh, returning from the yearly trip to Lough Neagh, were stoned by an Orange mob at Clonmacate and Cloncore, six miles from Portadown, and that Stephen M'Guigan, senior, and Stephen M'Guigan, junior, were also attacked and threatened with death; and if the authorities will take steps to prevent such attacks on excursionists as are alleged to have taken place?

MR. A. J. BALFOUR: The Constabulary Authorities report that a police party passed through the places at which the alleged attacks occurred, first in the morning and again in the evening, and that they were engaged all day on duty where the excursionists were, and no complaint was made of any person having been molested. Since the question appeared upon the Paper the local police have visited the two men mentioned. They allege that they were struck with stones on the road, but they have no marks of injury, and, up to the inquiry, they had made no complaint to the police. The excursionists had ample police protection on the occasion.

PAWNBROKERS IN IRELAND.

MR. JOHNSTON: I beg to ask the Attorney General for Ireland whether complaints have reached him as to the state of the law regarding pawnbrokers in Ireland, and that the hours during which pawnbroking establishments are kept open in some localities in Belfast is largely in excess of the time permitted by Act of Parliament; and whether he will consider the propriety of assimilating the law of Ireland with that of England, as regards the granting of licences to pawnbrokers, and the general regulation of the trade?

MR. MADDEN: No complaints have reached me with reference to the particular point mentioned in the question, but I am bound to say that my examination on several occasions of the law of pawnbroking in Ireland has led me to the conclusion that it is in a very unsatisfactory state. It is governed by two old statutes, passed in the 26th and 28th years of George III., the latter of which contains the provisions as to hours referred to in the question. The provisions of this statute as to hours of business apply only to Dublin and a district within three miles of that city. I shall certainly consider the question referred to in the concluding paragraph of the question, with a view to introducing legislation on the subject in the coming Session.

MOONLIGHTING IN DUHALLOW.

MR. FLYNN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the charge of Judge Gibson, at the present Cork County Assizes, in which the learned Judge stated that offences of a moonlighting character are of frequent occurrence in the barony of Duhallow; if he can state at what date was Duhallow proclaimed under the Criminal Law and Procedure (Ireland) Act; and under what sections of the Act the district is proclaimed?

MR. A. J. BALFOUR: I am informed that it is the case that the Judge referred in his charge to the prevalence of moonlighting in the barony of Duhallow. The barony was proclaimed (with two others), with regard to Section 7 of the Statute quoted on the 17th of September, 1887. As part of the county it had also been

proclaimed on the 23rd of the previous July, with regard to Sections 1, 2, 3, and 4.

IRISH NATIONAL SCHOOLS.

MR. LEAMY (Sligo, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, in view of the fact that at the last results examination, John Henry M'Dermot, who has been recommended by Canon Stenson for the position of monitor to the Bunamadden Boys' School, was promoted by the Inspector from the first stage of sixth class to the second stage of sixth class, the highest class in the National Schools, and of the difficulty of one person teaching efficiently a large number of boys, the Commissioners will re-consider their decision and comply with the request of Canon Stenson, and appoint the monitor he wishes?

MR. A. J. BALFOUR: The Commissioners of National Education report that, for the reasons stated in reply to the previous question on this subject put by the hon. Member, they cannot sanction the proposed appointment.

IRISH SEED TRADE.

DR. TANNER (Cork Co., Mid): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether at the recent sitting of the Land Commission in Cork on the 3rd inst., Mr. Commissioner Wrench is correctly reported to have said, while hearing a fair rent appeal in the case of M'Grath, tenant, and Bullen, landlord, addressing the tenant—

> "You are a very wise man to get your grass seeds from England. If more tenants did that they would have better grass. It will pay you well to get your seeds from England;"

and whether intimation will be conveyed to Mr. Wrench that language such as that quoted is likely to do great mischief to the Irish seed trade?

MR. A. J. BALFOUR: As Mr. Commissioner Wrench is at present on Circuit perhaps the hon. Member will be good enough to defer this question until Thursday next.

THE QUEEN'S UNIVERSITY.

MR. PINKERTON: I beg to ask the Attorney General for Ireland whether his attention has been directed to a judgment of the Court of Exchequer, whereby it would appear that certain professors of the late Queen's University have sustained a loss of nearly one-half their incomes by the dissolution of that university, and to the observations of Chief Baron Palles and Mr. Baron Dowse as to the imperfections in the Act, which prevent the legal award of compensation; and whether Government will give effect, by legislation or otherwise, to the suggestions of the learned Judges?

MR. MADDEN: I have carefully examined the judgments delivered in the case referred to in the question by the Judges of the Exchequer Division. It is quite clear from these judgments that losses of the kind mentioned cannot form the basis for a claim for compensation under the University Education (Ireland) Act of 1879. I have ascertained that since the decision of this case, the position of the professors who are affected by it has been brought before the Treasury, and, after full consideration, the Treasury have decided not to re-open the question of compensation, but to leave it as it was determined by the Act of 1879.

LAW BUSINESS OF THE CROWN.

MR. SYDNEY GEDGE (Stockport): I beg to ask the Attorney General, with reference to contentious business in England, what are the rules which regulate the employment of the Law Officers of the Crown in actions to which the Crown is a party, either as plaintiff or defendant; do both of them claim to receive a brief in every such case; if not, how is it determined whether both of them, or only one, and which one of them, shall receive the brief; who fixes the fees to be marked on the briefs; are the fees, however simple the case, larger than would be paid in similar cases to other Queen's Counsel; if so, does the Junior Counsel who appears with the Law Officer receive a fee proportionate to the higher fee paid to his leader, or only such a fee as he would receive if his leader was an ordinary Queen's Counsel, and not the Attorney or Solicitor General; and if the Crown succeeds, and the other party to the action has to pay the costs, has he to pay all these higher fees?

*THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight): The question whether one or both of the Law Officers shall appear in actions to which the Crown is a party depends entirely upon the nature of the case. The standing rule for some time past has been that only one Law Officer is instructed except in cases where, owing to the number of witnesses or difficulty of questions raised, the services of both are considered necessary, and the personal directions of the Attorney General are taken before a second Law Officer is instructed. The brief fees are fixed by the solicitor instructing the Law Officers in the ordinary way, but they are on a scale lower than would be paid in similar cases to other Queen's Counsel. The Junior Counsel receives fees in the ordinary proportion to those fees. If the Crown succeeds the costs are taxed as between party and party in the ordinary way.

MR. SYDNEY GEDGE: Does the Attorney General decide whether he or the Solicitor General shall be briefed?

*SIR R. WEBSTER: Under ordinary circumstances they are taken in rotation; but if any question at all arises the directions of the Attorney General are taken.

MR. PICKERSGILL: Is it not the fact that in the case of "The Queen *v.* the East and West India Docks" the Master of the Queen's Bench cut down the fees from 77 guineas to 12 guineas, that there was an appeal, and that the Divisional Court refused to review the Master's taxation.

*SIR R. WEBSTER: I have had no notice of this, but I remember that something of the kind occurred after I had made a rule not to go into Court under a certain fee. The Master was, in my opinion, right in not allowing those costs against the other party.

"MITCHELL *V.* REGINA."

Mr. CUNINGHAME GRAHAM: I beg to ask the Attorney General whether Messrs. Hare and Company, agents to the Solicitor of the Treasury, will only get half the allowance fees or taxed costs in the case of "Mitchell *v.* Regina," and the other half go to the Exchequer receipts of the Crown; whether this arrangement is in contravention of paragraph 32 of the Solicitors' Act of 1843; whether he will lay upon the Table of the House a copy of the bill of costs in the case of "Mitchell *v.* Regina," both in the Court of Queen's Bench and in the Court of Appeal; and, what is the amount in each Court of the costs of the Crown?

*SIR R. WEBSTER: In reply to the hon. Member, I have to say that under an arrangement in force since 1806, Messrs. Hare and Company receive half the profit costs, plus disbursements, and pay over all sums received in respect of taxed costs. No portion of the costs in the case referred to will go to the Exchequer receipts of the Crown. Section 32 of the Solicitors Act, 1843, has no application to the case in question. I must decline to lay upon the Table the bill of costs in question. The costs of the Crown, as taxed in the Court below, amount to £160. The costs in the Court of Appeal have not been made out.

ROYAL COMMISSIONS.

MR. CONYBEARE (Cornwall, Camborne): I beg to ask the First Lord of the Treasury whether he will furnish a Return showing the number and objects of reference of the several Royal Commissions issued since the year 1870, in which the Commissioners were precluded by the terms of Reference from embodying in their Report any recommendations for legislation or otherwise?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): The Government do not see that any useful purpose would be served by the preparation of the proposed Return, which they are therefore unable to assent to.

NEXT SESSION'S WORK.

VISCOUNT CRANBORNE (Lancashire, N.E., Darwen): I beg to ask the First Lord of the Treasury whether it is the intention of the Government, next Session, to give the Tithe Rent-Charge Bill and the Irish Land Purchase Bill precedence over other Government Bills until they have passed this House?

*MR. W. H. SMITH: It is our intention to put these Bills forward, so that they can be dealt with by the House at the earliest opportunity next Session.

PERPETUAL PENSIONS.

MR. BRADLAUGH: I beg to ask the First Lord of the Treasury on what date he will, in fulfilment of the undertaking given on 16th May last, afford the House the opportunity of passing its opinion upon the Motion, of which notice has been placed on the Paper, disapproving the Treasury Minute of 15th July, relating to perpetual pensions?

*MR. W. H. SMITH: I have not had time to consider this matter, but if the hon. Gentleman will be so good as to postpone the question I will endeavour to fix a date.

THE INDIAN COUNCILS BILL.

SIR G. CAMPBELL (Kirkcaldy, &c.): I beg to ask the First Lord of the Treasury whether, in case Her Majesty's Government find themselves unable to deal in the present Session with the question raised in connection with the first part of the Indian Councils Bill, they will consider the expediency of trying, at least, to carry through the non-contentious later portions of the Bill?

*MR. W. H. SMITH: I still entertain the hope that the House will deal with the Bill as a whole in the course of the present Session.

*MR. BRADLAUGH: Will the right hon. Gentleman say to when he intends to postpone it from to-day, as I notice the Bill appears on the Orders of the Day?

*MR. W. H. SMITH: If the hon. Gentleman will be so good as to allow the Orders of the Day to be called on we shall then be able to answer the question.

STANDING ORDERS.

MR. CHANNING (Northampton, E.): I beg to ask the First Lord of the Treasury whether Members will have, at the beginning of the Session to be opened in November next, the same right of balloting for Bills and Motions as at the beginning of ordinary Sessions of this House, and whether they will be able to set down Bills and Motions for the Wednesdays and Tuesdays and Fridays between the beginning of the Session and the adjournment over the Christmas Recess?

*MR. W. H. SMITH: The existing Standing Orders or Rules of the House will apply to the next as to the past Session.

ERZEROUM.

SIR JOHN SWINBURNE (Staffordshire, Lichfield): I beg to ask the First Lord of the Treasury whether, on the occasion of the recent disturbances at Erzeroum, the Mohammedan population of that place organised a demonstration in front of the British Consulate; and whether the windows of the Consulate were smashed and the Union Jack was repeatedly fired at by the Moslem fanatics; and, if so, what reparation, if any, has been demanded of the Turkish authorities for this outrage?

*SIR J. FERGUSSON: During the recent disturbances at Erzeroum the mob took possession of the street in which Her Majesty's Consulate is situated; its windows were broken in common with those of other houses in the same street; Her Majesty's Consul hoisted his flag, and communicated with the Vali, who sent a guard of gendarmes, and subsequently troops, who cleared the streets.

THE MALTESE MARRIAGE LAWS.

MR. SUMMERS (Huddersfield): I beg to ask the First Lord of the Treasury whether the Canon Law is in its entirety the Civil Law of Malta; and, if not, what parts of the Canon Law are the Civil Law of the island, and when and by virtue of what stipulations, proclamations, or enactments, have they become so; and whether he is aware that Mr. John Austin and Sir George Cornewall Lewis, who were sent out as Commissioners to the island in 1838, reported that "most of the law of Malta (like most of the law of many other European Nations) is derived directly from the Roman Law?"

*MR. W. H. SMITH: The Crown Advocate at Malta has reported that—

> "The matters which, in Malta, are governed by the canon law are marriages and ecclesiastical benefices (advowsons). The canon law on these matters was introduced in these islands by usage long before the British occupation, and has remained in force to the present day."

This is the whole of his Report. The quotation from page 39 of Mr. Austin's

and Sir George Cornewall Lewis's Reports (which were laid before Parliament in 1839) is correctly cited by the hon. Member, but it is not inconsistent with the above statement by the Malta Crown Advocate.

MR. SUMMERS: I beg to ask the First Lord of the Treasury whether it is intended to continue the practice of granting to the clergy of different denominations in Malta licences to celebrate mixed marriages in that island, as was the custom down to the time of the commencement of the negotiations between Her Majesty's Government and the Pope.

*MR. W. H. SMITH: It is understood that the Governor's licence for a marriage has not been granted when it was known to the Governor that one of the parties was a Roman Catholic and had not obtained a dispensation from his Church. The question of the law of marriage in Malta is engaging the anxious attention of Her Majesty's Government, and they are not at present in a position to give a definite answer as to the practice which will be adopted in future in respect of the issue of licences by the Governor.

MEMBERS AND THE POST OFFICE.

MR. CONYBEARE: I beg to ask the Postmaster General whether he still declines to afford hon. Members who may desire to visit the Post Office, with a view to seeing something of its internal administration before they are called upon to discuss and criticise it on the Post Office Estimates, the necessary facilities for so doing?

*MR. RAIKES: I am not aware that there has been more than one application recently on the part of any Member of this House to visit the General Post Office; and I think every Member who has applied at a convenient time will not be slow to admit that I have always been ready to do all in my power to facilitate his visit. The present moment is, however, not the best to select for such an inspection.

MR. CONYBEARE: Will such a convenient moment offer before the Post Office Estimates come on for discussion?

*MR. RAIKES: No, Sir; I think not.

THE ANTI-SLAVERY CONFERENCE.

MR. SAMUEL SMITH: I beg to ask the Under Secretary of State for Foreign Affairs whether he has any information as to the reason given by the representatives of the Netherlands at the Anti-Slavery Conference at Brussels for declining to sign the Convention, and whether this refusal was on account of objection to the articles relating to restrictions on the liquor traffic; whether he is aware that the Netherlands is largely interested in the importation of spirits into the areas affected by the Convention, and whether the objection entertained by the Netherlands to the imposition of import duties in the Congo State could be removed by increasing the duty on spirits and allowing free trade in all other merchandise; whether the refusal of the Netherlands to sign the Convention will render the whole General Act nugatory, or only the particular part to which objection is taken, and, in the absence of the adhesion of the Netherlands, will the General Act in whole or in part be binding on the Powers who have signed; and whether the proposed duty on the importation of spirits to the Congo and elsewhere is only 1½d. per quart, whereas in England the duty is as high as 2s. 7½d. per quart?

*SIR J. FERGUSSON: The reason given by the Netherlands Representative for declining to sign the Convention was that the imposition of Import Duties was contrary to the provisions of the Berlin Act, which they did not consider the Brussels Conference competent to alter. Her Majesty's Government desired that a much higher rate of duty on spirits should be imposed, but were unable to procure its adoption. The proposed duty will be about 1½d. a quart. I believe that negotiations are going on which, it may be hoped, will procure the removal of the objection; but the General Act will remain in suspense until all the Powers, parties to the Act of Berlin, have signed it.

SHIPWRECKED EMIGRANTS.

MR. JORDAN: I beg to ask the President of the Board of Trade whether he is aware that, after the *Dacca* was wrecked in the Red Sea last May, two girls, Ann and Maria Walsh, of Bally-

dinan, County Clare, emigrants to Australia, were brought back to Suez and detained there a month, waiting for the ship *Zaroba;* that, though their trunks and outfit were lost, the Company only tendered them £2 each, an offer afterwards increased to £8 each, which they were constrained to accept; and whether the law affords any protection to emigrants in such cases; and, if not, if he would take the subject into his consideration, with a view of providing some authority to which friendless emigrants might have recourse for assistance and advice?

*SIR M. HICKS BEACH: I have not received any official Report of the circumstances to which the hon. Member refers, but through the courtesy of a Representative of the Queensland Government, I am informed that the passengers in question were sent out with other emigrants in the *Dacca* by the Queensland Government. After the wreck of the *Dacca*, they were transferred to another vessel, on which they were kept and treated, exactly as they would have been on the *Dacca*, until it was possible to send them on to their destination. I am also informed that they were not in need of advice or assistance, and were not landed at Suez. I need hardly remind the hon. Member that British subjects who may be in need of advice abroad can always have recourse to Her Majesty's Representatives. As regards compensation for loss of outfit, &c., that is obviously a matter for arrangement between the parties concerned, and I do not think the circumstances of this case show the necessity for any alteration of the law with regard to emigrants.

OFFICIAL RECEIVERS IN BANKRUPTCY.

MR. KIMBER (Wandsworth): I beg to ask the President of the Board of Trade what is the highest, lowest, and average amount of remuneration received by the unsalaried Official Receivers in Bankruptcy, whether by fees, or commission, or otherwise; and the total amount of such remuneration, and the number of such receivers?

*SIR M. HICKS BEACH: The highest and lowest amounts of remuneration paid to the unsalaried Official Receivers for the year 1889 were respectively £1,517 and £208. The total amount of remuneration paid to 56 unsalaried Receivers during the financial year 1889-90 was £44,308, and the average amount paid to each Receiver was £791. These are the gross amounts paid, out of which the Official Receivers have to provide office accommodation and clerical staffs. The present number of unsalaried Official Receivers is 46.

ARRESTED FOR DRUNKENNESS.

MR. H. J. WILSON (York, W.R., Holmfirth): I beg to ask the Secretary of State for the Home Department whether he is aware that a woman named Margaret Brown, who is known to be drunk frequently and has recently been in prison for drunkenness, was taken up in York Street, Westminster, and obliged to be removed to the King Street Police Station on a stretcher quite drunk at 10 o'clock in the morning on Wednesday, 25th June; whether any and what steps were taken to ascertain where she was supplied with drink; and whether the person who supplied her with the drink has been prosecuted; and, if not, will he explain why this has not been done?

MR. STUART WORTLEY: I am informed by the Commissioner of Police that a woman giving the name of Margaret Brown was arrested as stated. She had been charged with a like offence on the 18th June, and sentenced to seven days' imprisonment. As she was not seen leaving a public house, it was quite impossible to ascertain where she was supplied with drink. In nearly all such cases the drink is procured at several houses, and the difficulty of obtaining proof in a place like London is very great. If proof were forthcoming, the police would not hesitate to institute proceedings.

INTIMIDATION OF AN EMERGENCY MAN.

MR. J. O'CONNOR: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that, on the 6th of June, a man named Connors was sentenced by Colonel Evanson, R.M., to three months' imprisonment on a charge of intimidating an emergency man named Holmes; whether the only witness against Connors was Holmes, who swore to some offensive

language as having been used by Connors; and whether, under the circumstances that Connors is well known to be a harmless simpleton, he will be compelled to fulfil the sentence of three months?

MR. A. J. BALFOUR: I am informed that the facts are not accurately represented in the question. Connors was proved to have used most violent language towards Mr. Robert Holmes, a land steward. In addition to the evidence of Mr. Holmes, a police sergeant gave evidence as to the defendant's violence and bad behaviour. The defendant was not sentenced to imprisonment, but was ordered to enter into recognisances to be of good behaviour, or in default three months' imprisonment. He refused to give bail, electing to go to prison in default. The defendant is not known as a harmless simpleton, but is represented to be a man capable of doing much mischief. He can obtain his immediate release by entering into the required recognisances.

MR. J. O'CONNOR: Has the right hon. Gentleman made full inquiries as to the state of this man's mind? Is he not a lunatic?

MR. A. J. BALFOUR: I have given the hon. Gentleman all the information I possess.

DR. TANNER (Cork Co., Mid): Has the right hon. Gentleman received his information from the Doctor of Clonmel Gaol, who was himself a lunatic?

BOYCOTTING IN TIPPERARY.

MR. J. O'CONNOR: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that Patrick Burke, of Tipperary, has for 13 years pursued his calling as repairer of boots and shoes in a street in Tipperary, and that policemen in Tipperary have passed his stall repeatedly, saying to Burke, "hurry on with our jobs;" and have they offered him money in the presence of other persons, for the performance of work supposed to be done for the police by Burke; and, if true, what is the object of the police in thus interfering with this man?

MR. A. J. BALFOUR: The Constabulary Authorities report that they are not aware how long Burke has worked at his calling of boot repairer in the streets of Tipperary, but that it is the case he has done so for some time. They cannot find that there is any truth in the particular allegation with regard to the police; but they state that it is the case that his movements have been watched, owing to complaints made by boycotted shopkeepers that he, while ostensibly carrying out his trade in the street, took up a position near their shops, and promoted their boycotting by warning persons not to enter.

THE CASE OF PATRICK STAUNTON.

DR. TANNER: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether Mr. Patrick Staunton, having appealed from the decision of a Court held at Castlemartyr, County Cork, on the 24th February last, had his sentence increased by one month by Mr. J. Hamilton, the Cork Recorder; and whether the extra month imposed by Mr. Hamilton was given subsequent to the confirmation of the original sentence, for alleged contempt of Court; and, if so, whether Mr. Staunton will be treated during the additional period of imprisonment as a bail prisoner?

MR. A. J. BALFOUR: I am informed that it is the case that after the Recorder confirmed the sentence he increased the original term of three months' hard labour by an additional month, owing to the violent conduct of the man in Court. He will not, therefore, be in the position of a bail prisoner during that additional month's imprisonment.

DR. TANNER: Is it usual for a County Court Judge to give hard labour for contempt of Court?

*MR. MADDEN: I have not the facts of this before me, and, therefore, I cannot answer any question relating to it.

MR. SEXTON (Belfast, W.): Is it within the jurisdiction of the Judge to increase the sentence, not in respect of the original offence, but for something that happened in Court.

*MR. MADDEN: I must ask for notice. I have not the facts before me.

MR. SEXTON: This is a question of general principle, and not dependent on the facts of a particular case.

*MR. MADDEN: I can only repeat that I am not acquainted with the facts of the case; but it is absolutely in the power of the Judge, on the hearing of an appeal, to increase the original sentence. I presume that the demeanour of

the accused was an element in the consideration of the case.

MR. SEXTON: I want to know whether the decrease or increase of the original sentence must not have relation to the original offence?

MR. J. O'CONNOR: Is not the County Court Judge a landlord at variance with his tenants, and is he, therefore, competent to try cases in which disputes between landlord and tenant are concerned?

MR. A. J. BALFOUR: I know nothing about that.

MR. A. O'CONNOR: Is it in the power of any County Court Judge to sentence a man to hard labour for contempt?

*MR. MADDEN: I must respectfully repeat, it would be much more satisfactory if the facts of the case were before me before answering this question. No general expression of opinion in such a matter can be of much value unless applied to the facts of a particular case.

*MR. H. H. FOWLER (Wolverhampton, E.): The right hon. Gentleman has stated that it is perfectly clear that a Court of Appeal has power to increase sentences on appeal. May I ask whether the attention of the right hon. and learned Gentleman has been called to the statement of the Master of the Rolls in a Debate in the other House, to the effect that—

> "Equally contrary to English law was it that a sentence passed by a Judge should be increased, but a sentence that was too severe might be diminished;"

and whether that statement of English law by Lord Esher is also the law in Ireland?

*MR. MADDEN: I have not any knowledge of the particular facts of the case to which that general statement referred to by the right hon. Gentleman applies. I think it is inconvenient to ask for a commentary on such a statement without giving notice. If the right hon. Gentleman will kindly put a question on the Paper, I will examine into the subject, and see whether there is any inconsistency between that statement of the law and the position in Ireland with reference to the power of County Court Judges to increase sentences on appeal.

MR. T. M. HEALY: With regard to increasing sentences on appeal, I wish to ask whether the Chief Secretary has seen a letter addressed by the right hon. Member for West Birmingham to a correspondent, stating that the increase of sentences was un-English, more honoured in the breach than in the observance, and practically promising that it would not occur again. I know the right hon. Gentleman the Member for West Birmingham has no power to pledge the Government to any action; but will the right hon. and learned Gentleman, in these circumstances, examine into the facts of this case, and be good enough to advise the Lord Lieutenant to remit the sentence?

MR. J. CHAMBERLAIN (Birmingham, W.): The hon. Member has referred to a letter of mine. I do not recognise its contents in the account which he has given of it

MR. T. M. HEALY: I am glad to hear the right hon. Gentleman repudiate even so gracious a letter.

MR. AMBROSE (Middlesex, Harrow): As to the observation of the Master of the Rolls, I wish to ask the right hon. and learned Gentleman whether it is not within his knowledge that the Lord Chancellor, in the course of the same Debate, mentioned the practice as within his experience, and referred to a very old case in which sentence was increased on appeal.

*MR. BRADLAUGH: I rise to order, Sir. Is it in order to refer to a Debate in the other House?

*MR. SPEAKER: Reference has already been made to the other House; but I think the whole discussion is becoming one of general law, and is out of place in answer to a question.

THE LOCAL TAXATION BILL.

MR. CAMPBELL-BANNERMAN (Stirling, &c.): I beg to give notice that I shall at the proper time move as an Amendment to the proposed dealing with the £50,000 unappropriated out of the new Whisky Tax in Scotland, that the money be devoted directly to the completion of a scheme of free primary education.

MORTALITY AMONG CORNISH MINERS.

MR. CONYBEARE: I wish to ask the Home Secretary a question of which I have given him private notice. It is whether his attention has been called to

the report of a speech made a few days ago by Mr. Pinching, Government Inspector of Mines in Cornwall, with reference to the excessive mortality among Cornish miners? He said—

"Their friend Mr. Conybeare asked two questions in the House of Commons on the previous night with regard to the unsanitary condition of Cornish mines. He thought Mr. Conybeare was mistaken in his question, and mistaken in his premisses. He did not mean the unsanitary condition of the mines in the ordinary acceptation of the term, but the unsanitary condition of the air in the mines. He did not think it would be a breach of confidence to say that he had the pleasure of replying to the questions. Since the Report of Dr. Ogle was written, the conditions had much altered. The excessive mortality of Cornish miners was attributed to excessive ladder climbing and bad air. Since the Report was written, he was able to say the causes had been almost entirely eliminated by the improvements in machinery adopted for raising and lowering men, and boring machinery which produced a current of air in foul ends; and except the men themselves were guilty of an omission, there was no danger whatever to be expected from phthisis, which was the miners' complaint. He hoped the question would be answered that afternoon, and the answer would probably relieve their friend's mind."

I wish to know whether the inquiry promised last Monday has taken place, and whether the Inspector has presented any Report thereon; whether it is part of the duty of a Government Inspector who has been instructed to hold such an inquiry to prejudice beforehand the case by making such *ex parte* statements in after-dinner speeches, and whether, having regard to the fact that by his speech Mr. Pinching has destroyed all confidence in the value of any Report he might hereafter present on this subject, he will cause the promised inquiry to be held by some independent and impartial authority?

MR. STUART WORTLEY: The Inspector replied provisionally by telegram to the inquiries which the Secretary of State addressed to him when the hon. Member first placed his question on the Paper. Such reply did not arrive in time to enable its substance to be given in the House. It was to the same effect as the words used in the speech referred to. The full written Report from the Inspector has not been yet received, but is daily expected. The Inspector when he made the speech was no doubt under the belief that the substance of his telegram had by that time been communicated to Parliament, and he was probably anxious to allay as soon as possible any further anxiety that might be felt on the subject. The Secretary of State is not aware of any circumstances calling for any inquiry other than what it is the duty of the Inspector to conduct, and which he can be perfectly trusted to conduct with impartiality.

MR. CONYBEARE: The question was asked this day week in the House, and yet full particulars are not yet forthcoming. Will the right hon. Gentleman, with a view to satisfying the population of Cornwall in this matter, order a public and impartial inquiry at which the men can be represented? My constituents demand it, and nothing less than that will satisfy them.

MR. STUART WORTLEY: If the question is of such gravity, it seems to me that the hon. Member should have given notice.

MR. CONYBEARE: Then I beg to give notice that I shall give notice.

BUSINESS OF THE HOUSE.

MR. SEXTON: When will the Amendments to the Local Taxation Bill be put down, and what is the business for to-morrow?

*MR. W. H. SMITH: The Government hope that the Amendments to the Local Taxation Bill will be in the hands of Members on Wednesday; they will be put on the Paper to-morrow. To-morrow further progress will be made with the Census Bill, the London County Council Bill, and afterwards the Army Votes. On Wednesday, the Post Office Votes will be taken first.

MR. T. M. HEALY: I beg to ask the Chief Secretary whether he will place on the Paper his proposal with respect to the suspensory clauses relating to Ireland?

SIR W. LAWSON (Cumberland, Cockermouth): When is it really intended to take the Local Taxation Bill?

*MR. W. H. SMITH: It is really impossible to do more than one thing at a time; but if the hon. Baronet gives me an assurance as to the progress of business for the next four or five days, I shall be able to state when the Local Taxation Bill will come on. I hope we shall be able to take it this week.

MR. A. J. BALFOUR: I think that the number of Amendments renders it doubtful whether the Government will

be able to pass that part of the Bill which relates to new licences.

MR. T. M. HEALY: Will any notice be given to Irish Members as to the proposal with regard to Ireland.

SIR W. LAWSON: Is it to be understood that it is doubtful whether the Government will go on with the suspensory clauses?

*MR. W. H. SMITH: I stated to the House that the clauses would not be proceeded with if they were opposed, and there are two or three pages of Amendments on the Paper.

SIR W. LAWSON: Does the right hon. Gentleman mean by opposition, amendment?

*MR. W. H. SMITH: Certainly; if amending takes the form of obstructing.

MR. F. STEVENSON: When will the Bill for the cession of Heligoland be taken?

*MR. W. H. SMITH: I will state positively to-morrow whether the Heligoland Bill will be taken on Thursday, as I hope may be the case.

MR. ESSLEMONT: Can the right hon. Gentleman name a day for the Scotch Estimates?

*MR. W. H. SMITH: I cannot say when the Scotch Estimates will be taken.

MR. T. M. HEALY: Will the right hon. Gentleman answer my question?

MR. A. J. BALFOUR: Yes. Nothing will be done with regard to Ireland, except by a preparatory measure, as in the case of England and Scotland. I believe there are a number of Amendments now down on the Paper which renders it very doubtful whether we shall be able to pass that part of the Bill preventing the new licences.

MR. DILLON: I want to ask the Chief Secretary to the Lord Lieutenant whether he could not see his way to postponing Report of Supply until to-morrow evening, as there are some Members exceedingly anxious for a discussion on the Land Commission? Will the right hon. Gentleman adjourn Supply to-morrow night at about half-past 10, and take this discussion, which will occupy an hour and a half?

*MR. W. H. SMITH: If the hon. Member and his friends express a desire that we should adjourn Report until to-morrow night, we shall do so; but we could not undertake to interrupt proceedings on the Army Estimates at half-past 10 o'clock.

MR. DILLON: It is of no use adjourning it until to-morrow unless you give a reasonable opportunity for discussion. Really, the Chief Secretary will not deny that we gave great facilities for getting through the Irish Votes last week. I could have talked this Vote out last Wednesday quite easily.

MR. A. J. BALFOUR: The hon. Gentleman is perfectly accurate in what he says with regard to his behaviour on Wednesday. He could easily have talked this out. If business can be got through by half-past 10, every opportunity will be afforded for the discussion which the hon. Gentleman desires.

MR. BAIRD'S LOBSTER FACTORY.

MR. E. ROBERTSON (Dundee): Can the Government confirm the statement in this morning's papers from Newfoundland that the litigation as to Mr. Baird's lobster factory has terminated by the commanding officer paying the damages claimed by Mr. Baird; and is the Under Secretary for Foreign Affairs prepared to state what was the legal authority under which the commanding officer acted?

*SIR J. FERGUSSON: I must ask for notice of that question.

JUSTICE HARRISON AND LYNCH LAW IN IRELAND.

MR. DILLON (Mayo, E.): I wish to ask the Chief Secretary for Ireland whether his attention has been directed to a statement made by Justice Harrison at Galway on Friday last. Speaking of the condition of the county he used the following words:—

"In the eastern district I am sorry to tell you the evidence is the other way. The cases here are very serious, arising out of causes with which you are all familiar. The state of things here is such that why the people—I do not speak now of any section of the people or the officers of the law, but the whole people—who are the real sufferers by having to live under such conditions do not rise up and use lynch law is a mystery to me. I am astonished they do not do so. If they did, I think it would be a happy day for the administration of the law. It now seems completely paralysed throughout that district of your county."

I will further ask, Is the right hon. Gentleman aware that lynch law is to take the lives of individuals without any sanction from the law, and is he aware that that language must be interpreted

by the people of the country as an invitation from the Judge to murder certain individuals in that county; and what course does the Government intend to adopt?

MR. A. J. BALFOUR: I have seen the report of the Judgment referred to. Whether that report is accurate or not I cannot say. I should guess, however, that it is not accurate; but, in any case, I am certain that no such invitation as that suggested was ever made by the learned Judge, or that his language can be interpreted by the people of the district in the sense supposed by the hon. Member.

MR. DILLON: I am able to state on the authority of one of the Grand Jurors that the report is accurate. I wish to know whether the Executive will call on the Judge for an explanation. I propose to place a Motion on the Paper condemning this language; and I ask the leader of the House whether he can see his way, supposing after inquiry the language is found to be accurate, to consent to give me an opportunity of bringing that Motion forward?

*MR. T. W. RUSSELL (Tyrone, S.): From what is the hon. Member quoting?

MR. DILLON: From the report in the *Freeman's Journal* of Saturday last. I have also here with me the *Dublin Daily Express*, which quotes the language of the Judge with approval, and intimates that, in its opinion, it would be a very proper course to follow the advice of the Judge and use lynch law. Before bringing the matter before the House I was at pains to ascertain from a member of the Grand Jury of Galway, who listened to the speech, that the report was perfectly accurate.

*MR. T. W. RUSSELL: Seeing that the hon. Member has been the victim of misreporting this week, did he ascertain from Mr. Justice Harrison if the *Freeman* Report was accurate?

MR. DILLON: I did not ask; I put that question to the leader of the House whether, on the supposition that the Government ascertain that the language has been correctly reported, he will give me facilities for bringing this Motion before the House?

*MR. W. H. SMITH: I think in a matter which affects a learned Judge it would be wrong for me to assume that language of this kind had been held, and I therefore cannot consent to the hon. Member's request.

MR. DILLON: I will put the question down for Friday, in order to give the Irish Executive a full opportunity to satisfy themselves. I repeat that this is a question on which the Irish Government ought to satisfy themselves whether the language was used. I ask the right hon. Gentleman at the head of the Government to give me an opportunity of bringing my Motion to an issue on this point.

MR. A. J. BALFOUR: The Irish Government have no right to address questions to the Judges. No doubt Mr. Justice Harrison will see what has passed in the House, and if he chooses to give me an account of his charge I shall be grateful for it. We have no title whatever to interfere, directly or indirectly, with the action of the Irish Judges.

MR. DILLON: I shall certainly give notice to the First Lord of the Treasury on Thursday next that I shall ask him for an opportunity to bring forward this Motion.

SCOTCH SALMON FISHERIES.

SIR G. CAMPBELL: I beg to ask the hon. Member for Wigtonshire, in the absence of the Lord Advocate, why the terms of Reference to the Commission on the Scotch Salmon Fisheries have been omitted from their Report?

SIR H. MAXWELL: The terms of reference appear to have been omitted by an error of the printers—an error overlooked by me in correcting the proofs. They were as follow:—

"The Committee to inquire into the exercise of the Crown rights in the salmon fisheries of Scotland, on the coasts, and the seas adjacent thereto, and their effect on the preservation and supply of fish."

SIR G. CAMPBELL: Can we have that in print? And I should like to ask the First Lord of the Treasury whether the Lord Advocate is absent on public duty or through indisposition——

*MR. SPEAKER: Order, order!

SIR H. MAXWELL: My right hon. and learned Friend is sitting on a Committee, in which hon. Members for Scotland are interested.

MR. P. MAGAN, J.P.

MR. HAYDEN (Leitrim, S.): I wish to ask the Attorney General for Ireland whether any steps have yet been taken by the Irish Land Commission to recover the money alleged to have been fraudulently obtained by Mr. Percy Magan, J.P., under the Arrears Act; what explanation of his conduct he has given to the Land Commission; and whether Mr. Magan still continues to hold the Commission of the Peace for the Counties of Roscommon, Westmeath, and Wexford?

MR. MADDEN: Perhaps the hon. Gentleman will repeat his question again. I have been in communication with the Land Commissioners, but have not yet received an answer.

MR. HAYDEN: Will the right hon. Gentleman give us a Report when the Vote comes on?

MR. MADDEN: I will see when it comes on.

ON-LICENCES.

Order [20th June] for Return relative thereto read, and discharged; and, instead thereof,—

ON-LICENCES.

Address for—

"Return of (1) the number of On-Licences in each licensing district where the tenant and owner on the register are different persons; and (2) the number of persons in each district, and the names of such persons, who are on the register as owners of two, three, four, and any greater number of premises in respect of which On-Licences have been granted, with the number of such licences attached to each name."—(*Mr. Summers.*)

CENSUS (EXPENSES).

Committee to consider of authorising the payment, out of moneys to be provided by Parliament, of all expenses that may be incurred for the purposes of the Census under any Acts of the present Session for taking the Census of England and Wales, Scotland and Ireland (Queen's Recommendation signified), To-morrow.

NEW MEMBER SWORN.

John Wilson, esquire, for County of Durham (Mid-Division).

PILOTAGE PROVISIONAL ORDERS.

Copy ordered—

"Of Memorandum stating the nature of the proposals contained in the Provisional Orders included in the Pilotage Orders Confirmation Bills (No. 1) and (No. 2)."—(*Sir Michael Hicks Beach.*)

Copy presented accordingly; to lie upon the Table, and to be printed. [No. 313.]

MESSAGE FROM THE LORDS.

That they have agreed to,—Western Australia Constitution Bill, without any Amendment; Intestates' Estates Bill, with an Amendment; Boiler Explosions Act (1882) Amendment Bill, with Amendments.

ORDERS OF THE DAY.

ALDERSHOT ROADS (RE-COMMITTED) BILL.—(No. 379.)

Bill considered in Committee.

Motion made, and Question proposed, "That Clause 7 be added to the Bill."

(5.14.) MR. SHAW LEFEVRE (Bradford, Central): I desire to point out to the House that under the clause as it stood it was open to the War Office to shut up the roads over the whole of the Aldershot lands. But the Select Committee inserted very important Amendments, by which two tracks across the centre of these lands shall not be closed to the public, except during the time of of rifle practice. The effect of that will be that the War Office will not be able to fence these two tracks, and the enjoyment of roads across the Aldershot lands will be secured to the public, except during the time of rifle practice. That being so, opposition to the Bill has been disarmed.

(5.15.) MR. BUCHANAN (Edinburgh, W.): There are one or two matters I should like to bring before the Committee in reference to this clause, which I think are worthy of attention. I would first of all point out that, notwithstanding the reservations that have been put into the Bill, the public rights have been seriously interfered with at Aldershot. Although it is impossible at this period of the Session to make any effective opposition to the Bill, I do not think this clause ought to pass without some notice being taken of the fact that we protest against the encroachments made by the Secretary for War on the public rights. The clause also provides for compensation for the abandonment of certain rights of

way, but that compensation is not to the public whose pathways have been abolished, but to the owners and occupiers of the adjoining lands. I venture to say that, in the opinion of the general public and of the majority of this House, the individuals who will really suffer from the removal of the existing rights of way are not the owners and lessees of the adjoining lands who have hitherto had the right of user, which is now being so seriously restricted. I should like to ask the Secretary for War in what form it is proposed that grants of money for compensation purposes are to come before this House. Are they to be inserted in the Army Estimates or in what other form? In future, when it is proposed to grant public money for such a purpose, I think the Government will find that their proposal, if not hotly opposed, will be seriously criticised by hon. Members, and we certainly ought to be informed as to how the money is to be voted, and all the conditions of the proposed compensation. Another point is this: In Sub-section 2, Clause 7, the tribunal to which those who deem they are suffering under any grievance will have to appeal will be the Chairman of the County Council of Surrey and the Secretary for War. It is satisfactory to those who, like myself, have striven to put the control of the public rights of way into the hands of the County Councils of England and Scotland to hear that in this Government Bill the County Council is to be made a joint arbiter with regard to questions of right of way. In conclusion, I have to say that I accept, under protest and with very great reserve, the clause that has been here inserted.

*(5.20.) THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. BRODRICK, Surrey, Guildford): I am glad the hon. Member approves the tribunal that we have formed. Any compensation under the Bill will be provided in the Army Estimates, and I trust the Committee will find that the operation of the clause will prove by no means so dangerous to the neighbourhood as the hon. Member supposes.

Clause agreed to.

*(5.22.) MR. SHAW LEFEVRE: The object of the clause I have to move is to prevent the War Office from selling or alienating any of the land of Aldershot without the sanction of Parliament. A few years ago these lands at Aldershot extended over 11 square miles of common, and was subject to the ordinary common rights, being practically inalienable; that is to say, it could not be sold by the lord of the manor and could not be enclosed without the sanction of Parliament. When the War Office were authorised to purchase the rights of the lord of the manor, they asked power to buy up all the rights over the land. There were a number of old footpaths, and as long as they existed it was difficult for the War Office to deal with the ground. Since the War Office became owners of the fee of the land, and have been enabled to extinguish the commoners' rights, they have sold a number of outlying pieces of the common. There are a great many bits of outlying land which form features of great beauty to the surrounding country, and are therefore much appreciated by the public; but a considerable number of these have been sold by the War Office during the past two years. The neighbouring landowners are exceedingly anxious to get these outlying pieces, some wanting them to add to their game preserves, others in order to get nearer to the high roads, while others may desire them with a view to speculative building. I do not think the War Office should be allowed to part with these lands without regard to the public interest; and therefore I propose this clause, under which they shall not be allowed in future to sell these outlying pieces except with the sanction of Parliament. This would practically give the public the same security which they have had in the past. The practical effect of my Amendment would be that the War Office might exchange portions of the Aldershot land for adjoining pieces where desirable for military purposes; but where they wish to sell the land outright, they will have to come to Parliament for leave to do so, just as if they had been in the position of the lord of the manor. I do not think this is asking too much of the Government, who are undoubtedly obtaining a valuable addition to their property in obtaining the right to use the land for rifle practice, which hitherto they have been prevented from doing by the existing rights of way.

New Clause (Secretary of State may exchange but not sell land without sanction of Parliament,)—(*Mr. Shaw Lefevre,*)—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time.',

*(5.28.) MR. BRODRICK: I have no doubt the right hon. Gentleman has an admirable object in view in promoting this clause, but I think he will see it is one to which the Government cannot assent. I should be sorry, therefore, if he were to press the clause, as I can assure him there is no desire or intention on the part of the Government to sell any of those lands, and there is no proposal for that purpose before the War Office; but it is possible that the necessity of acquiring new land in place of some of the outlying portions of the present land may arise. The hon. Member has anticipated that possibility by providing that the Secretary of State should have power to exchange. That power does not, however, meet the case of the Government's desiring to acquire land from one owner and sell to another. To insist upon the clause would be to unduly fetter the hands of the Government, who, it must be remembered, are pressing this Bill solely in the interest of military efficiency, and not with any commercial object. I hope the right hon. Gentleman will not press the clause.

(5.30.) MR. STUART RENDEL (Montgomeryshire): As one of the Members of the Committee who voted in favour of the clause now proposed, I desire to say I think it would be a most unfortunate thing if the War Office were put under the necessity of carrying on a large land-jobbing business. We had it in evidence before the Committee that probably the value of the land when it first became the property of the Government was not more than £4 an acre. There is evidence that the effect of this Bill in extinguishing common rights will be to raise the value of the land to £50 an acre. It must be borne in mind that, whilst the use of the land for the specific purpose contemplated is not meant to be a use of a temporary character, future changes in the Service may render some new arrangement necessary, and the land may then have to be dealt with in some other manner. Undoubtedly, if they find they have any superfluity of land the War Office will be bound to sell, and they will, perhaps, be able to sell at £200 or £300 an acre. The local public are making great sacrifices in regard to this Bill, and I think it is only fair that Parliament should be consulted before the land is dealt with in any way that has not obtained the special sanction of Parliament.

*(5.35.) MR. BRYCE (Aberdeen, S.): I hope the Government will accept the Amendment. My hon. Friend the Member for Montgomeryshire (Mr. Stuart Rendel) has shown that this is a matter which circumstances are very likely to change. Not only may the War Office find that there is no occasion for this land, but new arrangements may be made under new conditions of rifle practice which may make it necessary for the Government to buy back land which they have already sold. If the Government do not intend to sell, as the Financial Secretary to the War Office (Mr. Brodrick) says, there surely can be no great hardship in their accepting this Amendment. The Committee must remember that the land was originally subject to common rights, and that it could only be divested of those rights with the consent of this House. The natural thing would have been that it should revert to its prior condition in which it could not have been sold except with the authority of the House, and I do not see that any reason has been given to prevent the House from exercising that authority, considering how improvident some of the bargains made by public departments have been——

*MR. W. H. SMITH: I think the right hon. Gentleman is hardly justified in making statements of that kind without giving instances.

*MR. BRYCE: I thought that it was a matter of common notoriety.

*MR. W. H. SMITH: It is just the reverse.

*MR. BRYCE: We have frequently had cases in which sales by the Woods and Forests Department were questioned in this House as being improvident. I shall take the first opportunity open to me of substantiating the remarks I have made. I make no imputations on the War Office in this matter, but, in view of the fact that imputations have been made, I think the War Office should

not have the opportunity of making these sales without the consent of Parliament.

(5.40.) MR. CONYBEARE (Cornwall, Camborne): I think most of us on this side of the House will be able to give illustrations of the improvidence of bargains made by public departments. I myself can promise to give one with regard to the Ecclesiastical Commissioners when the time serves. I venture to support this clause, and I would point out that it was rejected in Committee simply by the casting vote of the Chairman. We all know that when a Committee is equally divided on a question it is the rule for the Chairman to give his casting vote against a new proposal. There is one important circumstance which should not be lost sight of in connection with this matter. It was stated in evidence that, in consequence of the ranges of the National Rifle Association being established at Bisley, Purbright would probably become a large centre of population. If that be so, as the rights of the neighbouring population have been so materially curtailed in respect of the great tract of land over which shooting will now take place, I think it highly important that something should be done with the view of benefiting the people in the locality. The question of using these outlying bits of land for shooting purposes does not arise in the minds of those who have inspected the plans. There is one considerable plot of land on the south-east of the main tract, and in my judgment it would be very likely to become an important site for a public park or recreation ground in view of the increased population of the district. It was in view of preserving the rights of the public, and of giving them the chance of acquiring such pieces of land for the public benefit that I voted for this clause in the Committee, and I shall vote for it again if it is pressed. Cannot the hon. Gentleman in charge of the Bill undertake that in the event of any considerable plots of land being sold a right of pre-emption shall be given to the County Council? I do not think the objection of the hon. Gentleman (Mr. Brodrick) to the clause that it would tie the hands of the War Office too much would apply to this suggestion.

Mr. Bryce

*(5.47.) MR. W. H. SMITH: I wish to point out one effect of the proposed clause. The hon. Gentleman who has just sat down said the Local Authorities might desire to acquire some of this land. But if this clause is inserted and the Local Authorities wish to purchase half an acre of land for a school or a recreation ground or anything else they will be unable to do it. It is quite certain this clause is far too stringent in its effect, and it would be impossible for any Government to assent to it.

(5.48.) MR. SHAW LEFEVRE: The answer to the right hon. Gentleman is that the public enjoy this land for recreation now, and there is not the least chance of the Local Authorities desiring to buy them for these purposes. No answer has been given to my statement that the War Office may sell these bits of land. A considerable number of them have been sold in the past and no doubt will be sold in the future, although, perhaps, not by my hon. Friend (Mr. Brodrick), because he is a Surrey man, who knows the value of these lands to the public. I hope the House will assent to the Motion.

*(5.49.) MR. BRODRICK: I can assure the right hon. Gentleman that during the four years I have been in office no pressure whatever has been brought to bear on us to sell. We have no desire to sell. We want to keep our property. But if this clause be adopted we shall be fettered as no public department is fettered.

(5.50.) MR. CONYBEARE: The suggestion I make is that the Local Authorities should have a voice in the disposal of this land, so that they might prevent the War Office from disposing of little bits of land which might be available for public purposes. Is it not possible to defer further consideration in order to provide a means of meeting these scruples?

*MR. BRODRICK: I fear the proposal of the hon. Member does not meet cases such as I have referred to, where we should possibly buy from one owner and sell to another.

(5.51.) COLONEL NOLAN (Galway, N.): I think the contention advanced by the right hon. Gentleman is most reasonable, and his proposal a necessary one. We are giving the Department great power to close roads, but that I

think is quite right in view of the new range. But such an Amendment as this is necessary for this reason: A number of rich people have built houses in the neighbourhood where land could be had cheap, and these are people who will be quite ready to buy up pieces of land, and, being on friendly relations with the general and other officers, to make advantageous arrangements for themselves in this way. I think the hands of the Secretary for War should be tied in this way, because it may be that some Secretary for War in the future, after this land has been sold at a cheap rate, may want to buy back the land for another range, or an artillery range, or some other purpose, and then we should have to pay 10 times the price at which the land was sold. I think an Amendment such as that proposed, or in the modified shape suggested by the hon. Member for Camborne, is extremely necessary. If any hon. Member has been to Aldershot and seen the houses there, he will find they are owned by exactly that class of people who would be willing to buy up public land at a cheap rate for adding to their gardens and pleasure grounds.

(5.52.) MR. SHAW LEFEVRE: I understand that the Government are willing that the Local Authorities should be consulted.

*MR. BRODRICK: We are willing to give all consideration to the Local Authorities.

MR. SHAW LEFEVRE: If there is a provision requiring that notice shall be given before selling, I shall be content with that as an alternative clause.

*(5.52.) MR. BRODRICK: It would be extremely difficult to provide by a clause for any considerable interval before selling, but there is every disposition to consider the Local Authorities in every possible way.

MR. SHAW LEFEVRE: These lands are open to the public.

(5.53.) MR. CONYBEARE: The proposal is simply that notice of the desire on the part of the War Office to sell should be communicated to the Local Authorities, leaving to the latter the option of coming forward with an offer to acquire the land. We do not seek to have them called into council on the subject; but it is fair in such cases that such sales of land should not be conducted by private contracts behind the backs of the people. I do not, as I did in Committee, suggest that the sale should be by public auction; that might be detrimental to the public. What we want to secure is that these sales should not be simply conducted in an office by the War Department, but that the County Council or Highway Board should have the opportunity of putting itself in competition with private buyers to acquire the land for local purposes on behalf of the population generally.

*(5.24.) MR. W. H. SMITH: We will consider the suggestion, and, if it is possible to meet it, we will introduce an Amendment for the purpose in another place. Hon. Members are aware that we have to send the Bill there, in order that it may be considered by a Select Committee. The suggestion is not an unreasonable one.

(5.34.) MR. SHAW LEFEVRE: Under these circumstances I will not press the Amendment.

Amendment, by leave, withdrawn.

Bill reported without Amendment; read a third time, and passed.

HOUSING OF THE WORKING CLASSES BILL.—(No. 375.)

Motion made, and Question proposed, "That the Bill be now considered."—(*Mr. Ritchie.*)

*(5.39.) EARL COMPTON (York, W.R., Barnsley): I believe it will be more for the convenience of the House if I make those remarks I have to make now rather than later on. I have no wish to impede the progress into law of a measure that will, I believe, be useful both in London and the country. At the same time, before we proceed further I should like to have an assurance from Her Majesty's Government that they do not consider this a final measure as regards the reforms so urgently necessary for the better housing of the working classes. We have had a Consolidation Bill and an Amendment Bill now amalgamated, but the Amendment Bill only touches the fringe of the question, and it is impossible to convince anybody who is interested in the question that this is a great legislative achievement. It is only now that we have this Bill before us that it is possible to amend it

so that we can approach the solution of a question that has long been exercising our minds. Thanks, however, are due to the right hon. Gentleman for the manner in which he has met various Amendments, and to the Government for bringing the matter forward at all. I mention some of the points upon which the Bill is wanting, in order that the right hon. Gentleman may give us an assurance that these matters will be dealt with before the end of next Session, which is likely to be a long one. This is not much to ask, for into the question with which the Bill deals no Party feeling enters, and if the Government will undertake a further Amendment Bill they will find the Opposition ready to co-operate with them in doing what is necessary for the subject. As the right hon. Gentleman knows, Part I of the Bill, or "Cross's Act," has been but slightly amended, and the process under it is still complex, tedious, and expensive. At the present moment the London County Council have under consideration an application made 13 years ago under Cross's Act, and the area concerned is pretty much in the same condition now as when the application was made. We wish to have a simpler machinery, and until we have that it is not possible that much good can be effected under the Act. First comes the representation, then inquiry, the preparation of maps and plans, the public notification during the months of September, October, and November, and then the notices served upon owners. At present a visit to a locality by the officers of the London County Council immediately becomes known, and local owners, fancying that something is going to happen, at once begin to patch and repair, so that when the question of compensation arises they may make a larger claim. I may also mention that the Bill does nothing as regards amendment of the re-housing difficulty. We have the right, under Lord Shaftesbury's Act, to erect buildings within a certain area, but we have not the right to erect buildings outside the metropolitan area. This is a matter that requires to be taken in hand. Then as regards unhealthy dwellings we have actually less power under this Bill than we had before the Acts were consolidated and amended, owing to the repeal of some of the clauses in "Torrens's Act." I think the right hon. Gentleman said he is going to introduce some Amendment in regard to sanitary measures next Session, but I hope we shall not again commence to have other Bil's incorporated with this, and that we shall have to refer to the Nuisances Removable Act and other sanitary measures to complete operations under this Bill, but that the Bill itself will be amended. Then as regards the acquisition of land under the Land Clauses Act the right hon. Gentleman the President of the Local Government Board has said that he does not consider the clauses of the Land Clauses Consolidation Act satisfactory. I hope, therefore, some steps will be taken to amend those clauses, so as to make them more workable. There are also two different systems of compensation, one under Part I. and another under Part II. of the Bill. I think it would be infinitely better that the same system should hold in both. Then we have to consider whether the Home Office or the Local Government Board is the authority. I do not know whether there is any jealousy between the Departments as to which should have the more work, but I do think it would be better that we should know which Government Department is the authority in all these matters. The Government have given us a small Amendment Bill, and we are not ungrateful, though, for my part, I say it is but a crumb where I should have preferred a whole loaf. I do not desire to offer any opposition to the Bill, which is a useful Bill so far as it goes. I only want now to get some assurance from the right hon. Gentleman that the Government do not look upon this measure as final, and that they will do their best to introduce a further amending Bill next Session which may be incorporated in the present Bill. That, I believe, would satisfy thousands of people in the country. Since this question has been before the House I have received letters from all parts of England, and from various people who have been working hard in this matter. These people ask me one question, namely, whether they will be able in the future to deal with small unsanitary areas which are not actually unfit for habitation. My answer has been that this Bill will have no effect

whatever in that direction, but that I am in hopes that before next Session is passed Her Majesty's Government will have earned our gratitude by putting it in our power to deal with such areas. I have not put down any Amendments, I have not started any great principle, because I know that at the end of the Session it is impossible to go into the whole question. I shall be glad, however, to have some assurance that this is not, in the eyes of the Her Majesty's Government, a final measure.

*(6.12.) THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): My hon. Friend was good enough to give me notice that he would make some remarks upon this Bill, but I was under the impression he would make them on the Motion for the Third Reading. However, I do not complain of any observations he makes at any time with regard to the Bill, because I recognise freely the desire he and those who act with him have shown to push forward as well as they can this Bill which they regard as useful legislation. My hon. Friend wants an assurance from me that Her Majesty's Government do not regard this Bill as a final Bill. I do not know whether any Government is ever prepared to use the word "final" with regard to any proposal made, but I certainly will not use the word in regard to this Bill. I agree that the Cross Acts were not largely dealt with in this Bill. The Government thought that the pressing needs were best met by an improvement in the machinery of the Torrens Acts, because, if properly worked, they will do away with a great many of the evils complained of. With regard to the Torrens Acts, I agree that a very large amount of time is necessary before the Acts can be put into operation. That, no doubt, is to a considerable extent owing to the notices that have to be given with regard to the taking of land under the Lands Clauses Consolidation Acts. The hon. Gentleman asks me whether we will be prepared to deal soon with the Cross Acts, and also with any imperfections which are acknowledged to exist under the Lands Clauses Consolidation Acts. Having taken this matter in hand I shall feel it a great privilege to be able to deal with the whole question, so that there may be one measure dealing with the subject generally. But so far from this, as the noble Lord seems to think, being only a small measure, I think that anyone who looks carefully into it will consider it an important step in the direction in which the noble Lord looks. Even if the Bill had done nothing but consolidate existing Acts in relation to the dwellings of the working classes, it would be a most valuable measure. But the Bill also deals with a matter which has been found to be one of the greatest difficulties in the way of Local Authorities—namely, the undue amount of compensation which, under the law, has hitherto been payable to persons whose property is taken. The Committee to whom this Bill was referred will acknowledge that, so far as the question of compensation is concerned, we have gone as far as it was possible with justice to go in order to grapple with this difficulty. We have reduced by every means in our power the amount of claim to compensation, and we have provided that no compensation whatever shall be payable in respect of profits derived owing to the premises being used for a greater number of people than they can legitimately accommodate, or in respect of profits derived through the premises being used for any illegal purpose whatsoever. It will also be acknowledged that the amendments we have made in the Torrens Acts will be of enormous value to Local Authorities. The procedure has been very greatly simplified, the principle on which the Committee proceeded being that where an owner does not, after notice, place an insanitary dwelling in a proper state, the building shall be demolished. The noble Lord referred to the provisions of the Torrens Act, which made it necessary in the case of an unhealthy dwelling for the Local Authorities to consult a surveyor, and after this is done, there might be an appeal with regard to the works suggested by the surveyor. It seems to me there has been an endless hedge of appeals and counter appeals in regard to the work done, which has not only added to the cost of carrying out the law, but has prevented the law from being carried out in many cases. I think it will be found that the provisions of this Bill are much more workable. The Local Authority will be able to say to the owner of an

insanitary dwelling, "We intend to apply for a closing order, it is for you to do whatever works are necessary in order to put the house in a proper sanitary condition." The noble Lord complained that certain provisions of the Public Health Acts with regard to nuisances have not been incorporated into this Bill, but this measure deals with dwellings which are unfit for human habitation, and the provisions of the Public Health Acts, to which the noble Lord refers, are inapplicable. The noble Lord alluded to a statement I have made that we hope next Session to do for the Public Health Acts that which we have done this Session with regard to these Acts. I repeat, that I hope that next Session we may consolidate and amend the Public Health Acts, and that the Amendments which we will propose will meet with the same cordial acceptance at the hands of the noble Lord and his friends as the proposals of the Government with regard to the housing of the working classes. The noble Lord seems to take exception to different principles of compensation being applied to different parts of this Bill. But it would not be fair to apply the same principle of compensation to all cases in which premises are compulsorily acquired. My noble Friend omitted to say that we have in this Bill provided for the adoption of a scheme which we regard as one which is likely to be fruitful of the greatest good—we have provided for what we may call an intermediate scheme. Under the scheme a Local Authority will be able to deal with crowded alleys and courts. The houses individually may not be unfit for human habitation, but, owing to the want of air and light, these alleys and courts may be rendered insanitary areas. The Local Authorities may, if they choose, pull down the houses and make open spaces, and in that way contribute largely to the health of the community. We have provided against the owners of property taking part in any decision which may be arrived at by a District Board or Vestry with regard to the property in which they are interested, and we impose heavy fines upon the owners of insanitary dwellings. The power of the London County Council is much enlarged by this Bill, and I feel sure that when the Bill comes to be put into operation it will be found to be enormously beneficial in securing what we all desire—namely, an improvement in the housing of the people. I have to thank the noble Lord and his friends for the way in which they have met this Bill, and for the assistance which they have afforded, without any Party bias, to the consideration of the Bill in the Committee.

(6.26.) MR. PICKERSGILL (Bethnal Green, S.W.): I rise for the purpose of asking the right hon. Gentleman if he will during the recess be good enough to turn his attention to two particular points. The first is the machinery for assessing compensation. I hope the right hon. Gentleman will consider whether it may not be possible to set up a Special Commission, or some other authority, by which the question of compensation may be cheaply and readily settled. The second point to which I desire to call the right hon. Gentleman's attention is the incidence of cost. This consolidated Bill makes no attempt to adjust the incidence of cost, although the cost is the crux of the whole case. We have gone on year after year piling burden upon burden upon the shoulders of one particular class, namely, the unfortunate occupier. It is high time that something were done to shift part of that burden, at all events, to the backs of the ground landlords.

(6.29.) CAPTAIN BETHELL (York E.R., Holderness): I trust it will be possible next Session for the right hon. Gentleman to take the Public Health Acts in hand for the purpose of consolidation. And while congratulating the President of the Local Government Board upon this general Bill, the value of which I recognise, I feel obliged to express regret that the principle of including the County Council as the authority to take part in matters connected with the public health is not more jealously guarded than in the Bill before us. One principle which is not very satisfactory is, allowing the County Council, when District Authorities cannot properly do the work they are expected to do, to take the burden on their own shoulders. I have some Amendments on the Paper to meet these points, but it has been represented to me that at this period of the Session it would be inconvenient to move them. I, therefore, do not intend to persevere

with the Amendments save on one or two small points.

Question put, and agreed to.

Bill, as amended, considered.

(6.32.) MR. JESSE COLLINGS (Birmingham, Bordesley): The right hon. Gentleman appealed to the Committee not to interfere to a great extent with Cross's Acts, because, he said, if they were thoroughly dealt with it would be impossible to pass this Bill this Session. As the Bill contains so many valuable provisions, to say nothing of its feature of consolidation, which is very important, we all thought it would be a great public loss if the measure did not go through this Session, and, therefore, we avoided amending these particular Acts—the General Housing Acts. But the right hon. Gentleman amended them himself by the insertion of the words which I now move to leave out. My Amendment will simply restore the Acts to the position they occupy at present.

*MR. RITCHIE: Agreed.

MR. JESSE COLLINGS: I understand the right hon. Gentleman agrees to accept the Amendment. I am much obliged to him, and will not detain the House by any further argument.

Amendment moved, Clause 24, line 12, leave out from "shall," to end of Sub-section, and insert "be supplied out of the Local Rates or out of moneys borrowed in pursuance of this Act."—(*Mr. Jesse Collings.*)

Question, "That the words proposed to be left out stand part of the Clause," put, and negatived.

Question, "That those words be there inserted," put, and agreed to.

*(6.34.) MR. RITCHIE: I move to leave out Clause 29, for the reason that Clause 93 provides for the same thing.

Amendment moved, page 16, "To leave out Clause 29."—(*Mr. Ritchie.*)

Question, "That Clause 29 stand part of the Bill," put, and negatived.

Another Amendment agreed to, Clause 32, page 18, lines 4 and 5, leave out "shall thereupon direct an inquiry, and," and insert "after causing an inquiry to be held."

(6.36.) MR. PICKERSGILL: I beg to move, in Clause 3, page 18, Sub-section 3, at end, to add—

"Provided that the Local Authority may make to every such tenant a reasonable allowance on account of his expenses in removing, and the amount of the said allowance shall be a civil debt due from the owner of the dwelling house to the Local Authority, and shall be recoverable summarily.

*(6.36.) MR. RITCHIE (interrupting): I propose in principle to accept the Amendment of the hon. Member, but I think the matter is one which should be dealt with by the Court when the closing order is applied for. Therefore, after communication with the hon. Member, I propose to add—

"Provided that the Local Authority may make to every such tenant such reasonable allowance on account of his expenses in removing as may have been authorised by the Court making the closing order, which authority the Court is hereby authorised to give, and the amount of such allowance shall be a civil debt due from the owner of the dwelling house to the Local Authority and shall be recoverable summarily."

Question, "That those words be there added," put, and agreed to.

(6.38.) CAPTAIN BETHELL: I desire to move, in Clause 36, to strike out "a Court of Quarter Sessions," in order to insert "the County Council." Why has the right hon. Gentleman put in the Court of Quarter Sessions here? The appeal, so far as I can understand the matter, is a purely administrative question to begin with, all that has to be decided being whether a particular house is inhabitable or an obstruction. The question is not a judicial one, but one of administration, and, that being so, it is a mistake to bring in the Court of Quarter Sessions at all. Under certain circumstances the County Council will themselves be the authority for carrying out the particular arrangement, and it would be unsatisfactory to have an appeal from the County Council itself to the Quarter Sessions. Why there should be an appeal from an administrative body to the Quarter Sessions I cannot for the life of me conceive.

Amendment proposed, in page 19, line 39, to leave out the words "a Court of Quarter Sessions," and insert the words "the County Council."—(*Commander Bethell.*)

Question proposed, "That the words 'a Court of Quarter Sessions' stand part of the Bill."

(6.39.) MR. RITCHIE: If my hon. and gallant Friend had been a member of the Grand Committee, he would have known that this question was twice thoroughly discussed there, and the suggestion made by the hon. Member decisively negatived, and that by a majority that was by no means a Party one. It was decided to maintain the law as it stands, and the decision was supported by some of the most advanced politicians in the House. My hon. and gallant Friend supposes that this has been put in as an alteration of the existing law, but the Court of Quarter Sessions is in the original Act, and there is a great deal of good ground for it. The question is not one of administration, and sanitary matters do not enter into it. When a house has been closed, the question arises as to whether or not it shall be taken away from the owner and demolished, and the existing law provides that the owner shall have the opportunity of going before the Court of Quarter Sessions, which is a Court of law, and before which witnesses can be examined.

*(6.41.) MR. G. OSBORNE MORGAN (Denbighshire, E.): This Amendment was carefully considered in the Committee, and, after consideration, rejected by a majority of something like five to one.

*(6.41.) EARL COMPTON: I do not think the version we have had of what took place on the Grand Committee is quite correct. I proposed two Amendments. The first was negatived by a large majority. I then endeavoured to meet the views of the advanced politicians, and succeeded, more or less; at any rate, they all voted for me on the second occasion. There was a Division of 16 to 9, which is not quite 5 to 1, as the Chairman of the Committee has stated. I am glad the question has been again raised, but I must assure the hon. and gallant Member that it is raised in vain, for even I have given up the point. It is a good thing to see an hon. Member on the opposite side of the House stand up and contend that the County Councils should be allowed to deal with these matters without appeal to the Quarter Sessions. It is this appeal to Quarter Sessions which is the great hindrance to the proper carrying out of Torrens's Act.

*(6.44.) MR. LAWSON (St. Pancras, W.): This point is one of principle, and should be decided by the House. The County Council is already made a Court of Appeal in certain matters in case of dispute with the Local Authority, or where a ratepayer thinks himself aggrieved by its order, and I see no reason why those powers should not be extended, if by doing so we can facilitate the working of the Act. Appeal to Quarter Sessions seriously interferes with the provision of better houses for the working classes.

(6.45.) MR. ESSLEMONT (Aberdeen, E.): I do not wish to carry on the controversy as to what occurred in Committee; I only wish to say that if it were proposed in Scotland to give an appeal to the Quarter Sessions—supposing we had such a body—I, for one, should give the proposal the most strenuous opposition.

(6.46.) MR. ROWNTREE (Scarborough): I hope the House will not accept the Amendment. It is said that this is a question of principle, but there is another question of principle which may be involved, and which would create strong opposition on the part of non-county boroughs.

*MR. HOWELL (Bethnal Green, N.E.): I think the House will admit that I am an advanced politician; nevertheless I opposed the Amendment in the Committee, and shall oppose it now. It may happen that the property is not in an unsanitary condition at all; and I am altogether opposed to the taking away of a man's property without giving him power to go to a Court of Law. There may come a time, as the machinery of the County Councils is perfected, when you may be able to entrust all matters of this kind to such bodies. We have not yet arrived at that period. We have not that absolute wisdom and purity in our Local Government which we could desire—as was evidenced not so long ago in the case of the Metropolitan Board of Works, which is now dead and gone. In some of our municipal boroughs also we have had evidences that it would not be safe to allow them to take away a man's property without giving him a right of appeal to a Court of Law. I stood

opposed to the Amendment in the Grand Committee, and I stand opposed to it now; and if we divide on the question I shall vote with the Government.

(6.49.) CAPTAIN BETHELL: I withdraw the Amendment.

Amendment, by leave, withdrawn.

Other Amendments agreed to.

(6.53.) CAPTAIN BETHELL: I would suggest the insertion of the words "of the Local or County Authority" after the words "officers of health." If the local medical officer has a right to point out insanitary conditions he should report to the Local Authority. I am aware that substantially it is the intention they should act, but I think he should report directly to the Local Board.

Amendment proposed, in page 30, line 13, after the word "health," to insert the words "of the Local or County Authority."—(*Commander Bethell.*)

Question proposed, "That those words be there inserted."

*(6.53.) MR. RITCHIE: I do not quite understand the object of my hon. and gallant Friend in moving the Amendment. This object is amply provided for under Clause 53. He wishes that instead of the Medical Officer of Health of the County Council reporting to the Council he shall report to the Local Authority; but surely the officer should report to the Authority under whom he acts, and it is for that Authority to take action.

Amendment, by leave, withdrawn.

Amendment proposed, in Clause 46, line 14, after the word "representation," to insert the words "or complaint."—(*Mr. Ritchie.*)

Amendment agreed to.

Amendment proposed, in Clause 46, line 18, after the word "Authority," to insert the words "or to the medical officer of such Authority."—(*Mr. Ritchie.*)

*(6.54.) EARL COMPTON: I would ask the right hon. Gentleman whether that makes sense of the clause, or if it is good English? Should not the word "as" be introduced to make it read?

*(6.54.) MR. RITCHIE: I think for the present it had better go as it is. It is not, I believe, an uncommon thing for an Act of Parliament to be ungrammatical.

Amendment agreed to.

Other Amendments made.

*(6.56.) MR. RITCHIE: With the object of preparing for the Amendment I shall propose to Clause 56, dealing with areas situated in more than one county, I move the omission of the words from "certificate" to "and" in lines 17.

Amendment proposed, in Clause 55, line 17, to leave out from the word "certificate" to the word "and."—(*Mr. Ritchie.*)

(6.56.) MR. HOBHOUSE (Somerset, E.): I understand the right hon. Gentleman has the same object in his Amendment as I have in the Amendment of which I have given notice, but we differ in that he would have the application made to the authority having the larger jurisdiction in the area, and I would have application made to both authorities over the area. I do not see quite why the jurisdiction of one of the County Authorities should be excluded.

*(6.57.) MR. RITCHIE: It is undesirable that two applications should be made to two County Councils before anything can be done in a particular area, and it is desirable that the action taken should be under one authority. Therefore, I propose in Clause 56 to provide that the authority shall be with the body having the more extended jurisdiction in the area in question.

Amendment agreed to.

Other Amendments made.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Brodrick.*)

*(7.11.) SIR WALTER FOSTER (Derby, Ilkeston): I have to congratulate the right hon. Gentleman on having so much improved the Bill in Committee. He has made it more effective, by accepting my Amendments to make one part of the Bill imperative, and I am glad he has shown throughout such a conciliatory spirit. The Local Authorities now have a measure under which they will be able to work with great efficiency for the improvement of the public health.

(7.12.) SIR L. PLAYFAIR (Leeds, S.): I am glad to join in the congratulations of my hon. Friend in regard to the improvements which have been introduced into the Bill, and I likewise congratulate the right hon. Gentleman on having passed a consolidatory measure. The consolidation in itself is an enormous gain to the community, but important improvements of the law have been introduced.

*MR. RITCHIE: I am much obliged to the hon. Gentleman and the right hon. Gentleman for the kind words they have used in regard to my action and the Bill generally. I should like to say this final word. Now that the law on this subject has been consolidated and amended in such a way as to remove a great many difficulties, I hope that Local Authorities will feel the responsibility now cast upon them, and take care that the law is put into operation. That will result in an enormous advantage to the public health of the community and the general good of the country.

Question put, and agreed to.

Bill read the third time, and passed.

CENSUS (ENGLAND AND WALES) BILL.—(No. 385.)

SECOND READING.

Order for Second Reading read.

*MR. RITCHIE: I shall have to trouble the House for but a short time in reference to this Bill. The House will readily understand that when the year approaches when the census has to be taken the Government receive a large number of suggestions for its improvement. I have had no experience of the suggestions made to the Chancellor of the Exchequer before he introduces his Budget, but if they are anything like as numerous as the suggestions which have been made to me with regard to the census, the right hon. Gentleman must have a great deal of work cast on him. The suggestions which have been made to the Government, from time to time, are easily divisible under two heads—one a desire for increased information, and the other a desire that the census shall be taken at more frequent intervals than hitherto. I can assure the gentlemen who have made suggestions as to the first point that the Government sympathise with those who desire to take advantage of an opportunity like this to obtain accurate and valuable information upon a large number of subjects. It will be admitted, however, that such information would be dearly bought if obtained at the expense of accuracy. The more numerous the questions to be put to the householders the greater the chance not only, perhaps, of meeting with opposition on the part of the householder, but of receiving answers which are not entirely satisfactory from the point of view of accuracy. In illustration of the minute information which is desired by some persons, representations have been made, not only that the householder should be asked as to whether or not he comes under the great head of employed or employer, but also, if employed, that he should give particulars, for instance, as to what particular seam of coal he works in. Another class of suggestions made is that some provision should be made by which the information obtained through the Census Returns may be made available for purposes other than statistical. One hon. Member has urged very strongly that the number of children and their ages would be most valuable to the School Board Authorities, and ought to be supplied to them. No doubt this information would be of some value if so applied, but I deprecate in the strongest possible manner the making use of information obtained for purely statistical purposes for such purposes as have been indicated. If we departed from the *quasi*-confidential character of the information sought for, a spirit of hostility would undoubtedly be raised on the part of those who are asked to give the answers, thereby adding enormously to the difficulties of obtaining accurate information. The greatest mistake would be made if people were led to suppose that the information asked for would be used for the purpose of setting the law against them, either with regard to the attendance of children at school or any other subject. Another representation has been made as to the period which elapses between the taking of the census, and the establishment of something like a permanent census office has been advocated. A more frequent census would undoubtedly be attended with many advantages. There are many

strong arguments to be used in favour of taking a quinquennal census, but the question is one largely of cost. If Parliament at some future time should consider that the cost may properly be incurred, I have no doubt that information of considerable importance and great value may be so obtained. The Government thought that the best course to pursue in regard to these various suggestions was to refer the matter to a Select Committee. That was accordingly done, and a Committee was appointed, which sat under the chairmanship of the Chairman of Ways and Means. They have gone carefully into the whole subject, and, for my part, I beg to thank the right hon. Gentleman for the pains and trouble he and the Committee have taken in their inquiry. The conclusions arrived at by the Committee are—(1) As to the information to be obtained, they suggest that on the front of the Return should appear columns in which the householder can enter whether he is an employer or employed, or neither. (2) That persons living on their means shall be invited to state the fact in the Return; and (3) That the number of rooms occupied by a family, if less than five rooms, shall be stated on the face of the Return. I can imagine many difficulties arising in connection with the first point. I can imagine that some persons may feel great doubts as to which of these columns they should enter their names in, and many persons will enter themselves as employers of labour when they are for all practical purposes employed. In deference, however, to the recommendation of the Committee, the Government propose to adopt the suggestion which they have made. In the ensuing census, therefore, it is proposed to ask the householder to state whether he is employed or employer, or neither, and whether he is living on his means. No change in the Bill is necessary to carry out these recommendations. It is merely a question as to the form of the Paper and the Instructions, and this can be done under the old form of the Bill. But a slight modification of the Bill is necessary in order to enable the householder to be asked what number of rooms the family occupies, if less than five; and this change is provided for in the Bill. As to a more frequent census, and a permanent census office, the Committee reported that midway between the decennial periods the number of the population, ages, and sexes should be ascertained, and that a small branch of the Census Department ought to be established. But it should be noticed that the Committee were not unanimous. Sir Reginald Welby has made an alternative suggestion, and the question of cost is one which remains largely in doubt. In these circumstances the Government do not think it desirable to provide in the present Bill for the taking of the census five years after next year. But the form of the Bill does not in any way prejudice or prejudge the consideration of a quinquennial census. The Government will undertake to carefully consider the Report of the Committee, and to go into the estimates of the cost; and before the period arrives they will be prepared to state the conclusions come to. Some evidence has been received by the Committee on the subject of a Religious Census, but no recommendations have been made. There are indications in the Report, however, which seem to show that at least some members of the Committee were not adverse to a Religious Census. Personally, I think there is a good deal to be said in its favour. But the Government have not thought it advisable to go beyond the recommendations of the Committee, and, therefore, there will be no provision in the Bill for taking a Religious Census. I assure the House that the Government will carefully consider all the suggestions which have been made by the Committee, other than those to which I have referred and which do not entail legislation, and we will endeavour to see that their recommendations are carried out. I beg to move that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Ritchie.*)

*(7.30.) MR. W. A. MACDONALD (Queen's Co., Ossory): I would point out that while as between England and Ireland the Bills are utterly distinct, the difference as between England and Scotland is very slight, and in the latter case mainly consists in this, that while in England the authority for taking the census is the Local Government Board in Scotland it

is the Secretary for Scotland. But there is one point in regard to Scotland on which I may offer a suggestion with regard to England. Under the Scotch Bill means are provided of ascertaining how many persons speak Gaelic, and whether they speak Gaelic only, or both Gaelic and English. It seems strange to me that in a Bill affecting England and Wales there is no corresponding provision with regard to those who speak Welsh only, or Welsh and English, and I shall venture in Committee to move an Amendment on the subject, although I would not press it if the Welsh Members object to it. I cannot see why you should recognise the ancient language of Scotland and take no account of the ancient language of Wales. I concur with what has been said about the difficulty of getting from the people. full information as to the various points on which information is sought. But, on the other hand, it appear to me that a census which does not contain information as to how many of the people can read and write is scarcely worthy of a great country like this. I venture to say that were a census taken in France or Germany care would be taken to ascertain this fact. Enormous sums have been spent on education in this country for many years, and surely it is of the first importance, from a statistical point of view, that you should have a clear understanding as to how many people are still unable to read and write, and how many have acquired that knowledge. I think that the census for the three countries ought to contain the power of ascertaining whether the children are attending school or not. It may be thought that this could be ascertained in another way, but I venture to say it cannot. You may obtain the number of those attending the great public schools, as well as the boarding schools and Board schools, and also the National schools of Ireland, but there are numbers of children who do not go to any of those schools, but who attend what are called private adventure schools, kept by clergymen and others, and it is of great importance that we should be able to ascertain how many attend those schools and how many are left. I cannot see why the information I ask for should not be given, and I will give the House, when in Committee, the opportunity of deciding whether we should obtain that information or not.

*(7.38.) MR. F. S. POWELL (Wigan): I wish to draw the attention of the Government to a matter of considerable importance. I refer to the clause of the Bill which deals with particulars as to whether houses are inhabited or uninhabited. This question is one as to which I believe there will be great difficulty in acquiring reliable information; but I think that much may be done in obtaining a great improvement in this respect, and I hope, therefore, my right hon. Friend will afford facilities for enabling the authorities to secure a better system. With regard to another point, I am glad the Government are inclined to regard with greater favour the idea of a quinquennial census. I I think, also, we ought to have more particulars as to the occupations and age of the people. The population is so shifting that great advantage would be derived from a better system of obtaining more accurate details. The importance of accurate statistics as to the occupations of the population is a matter, as one representing a mining district, I cannot too strongly urge upon the Government. We know that men who are miners in one part of the country will be agricultural labourers in another; and it is very important, in the interest of Public Health, that the nature of their occupations should be clearly ascertained, because the question arises whether improved regulations might not be made, especially in regard to those who are engaged in mining. With regard to the question of a religious census, I think it important, from a national point of view that we should have particulars as to those who attend the services or regard themselves as members of the National Church. I am quite aware of the difficulties that have arisen on this point, but I think they might be got over. This religious census is taken in Ireland, and I cannot see why that which is good for Ireland can be bad for England, nor why our Irish friends should have elaborate statistics which are denied to this country. I regret very much that provision for statistics as to the religion of the people does not appear on the Bill for the present year, and I hope that in future years this omission may be remedied.

(7.42.) MR. COURTNEY: The President of the Local Government Board has made a kind reference to the labours of the Committee of which I have had the honour to be Chairman. While appreciating the kind words of the President of the Local Government Board, I regret to find that the Committee's labours have produced so small a result. Their chief recommendations were a quinquennial census, and the establishment of a permanent Census Office. Everything else would have followed, as a matter of course, from these. If there was to be no quinquennial census, a Census Office might represent a waste of organising labour; but if there was to be such a census, a permanent Census Office was almost a necessity. The Committee went into the inquiry with no definite opinions one way or another; but the evidence given before them was overwhelming in favour of a quinquennial census, if the census was to be useful for legislative purposes. The fluctuations of the population all over the country, especially in the mining and manufacturing districts, are so considerable and remarkable that at the end of five years the results of the last census became of little value. The Committee had before them many medical officers, who were all strongly in favour of a quinquennial census. This is, moreover, the practice of almost every civilised community, not only on the Continent, but also in the colonies of Great Britain. We were unanimous in that conclusion. With respect to the question raised by Sir Reginald Welby, we were unable to state what cost would be involved in it. We knew it would be a limited cost. Taking it at its maximum of 10 years, that would be exactly double the cost of the quinquennial census, and the result would be comparatively the insignificant sum of £170,000 additional cost. Considering the sums we pay in respect of matters to which this is ancillary, and which this additional expenditure might tend to economise, I must confess that I look to the question of expense as savouring rather of delusion. Sir Reginald Welby did his duty, and made an addition to the Report of the Committee over which I presided. But I think the Chancellor of the Exchequer, if it had come before him, would have done his duty; and if it should come before him, will do his duty by putting that addition aside. I speak now as one who has been both inside and outside the Treasury. I know what it is to do duty in the capacity of raising my watch-dog bark, and then being patted on the back and told I was a "good dog." But the thing has been done in spite of my warning; and if I had been in a superior position in the Treasury, I should have done the same thing. Sir Reginald Welby has simply done right in calling attention to the question; but the Chancellor of the Exchequer I do hope will, sooner or later—as soon as possible—act upon the broader view and proceed with the expenditure which has been recommended. It is of a very moderate character indeed, and such as ought to be freely and generously indulged in respect to the work which I have suggested. If a quinquennial census is to be taken, the Registrar and his assistants must be continuously at work in the preceding years. There ought to be two or three officers always at work on the census. In other countries, and in our colonies, they are, in fact, always hard at work on the census, and they are able to do really good work. There were many suggestions of importance which we were not able to entertain in any degree, but the advantage of which we felt if they could be carried out. If we had the plan of a quinquennial census, then the other things to which statistical inquiry was directed would be carried out almost as a matter of course. For instance, there is the important matter of an industrial census. The industrial census of England is very inferior in apparent results to, at all events, the census of the United States and of Switzerland. I say apparent results, because their accuracy is impugned. Therefore, though an industrial census is less full, it may be more trustworthy, and more valuable in the end. While we were unable to examine into the charges of inaccuracy brought against the censuses of other countries, we were fully convinced of the inaccuracy of our own in this respect. We had very much pressed upon us the extreme deficiency of the industrial census of England, and there is no doubt that, as a picture of our working population, the industrial census that we have taken is very unsatisfactory. It is not suffi-

ciently detailed; it is not exact; and I despair of your getting anything like a real description of the industrial organisation of our country unless you get more permanent machinery, and the service of men whose attention is constantly directed to the compilation of these details. So with reference to the other points brought before us by medical officers. We were constantly impressed by the necessity of getting a permanent official staff to do the work. I hope my right hon. Friend the President of the Local Government Board will see that something is done towards this end, in concurrence with the Chancellor of the Exchequer. I understood the hon. Member for Wigan to recommend something in the nature of a religious census. The Committee approached that subject with a perfectly dispassionate mind. It put on record the fact that a religious census is taken in all our colonies, where, I suppose, religious separation is as marked as it is in the United Kingdom. It also put on record the fact that the religious census is taken in Ireland. Although, on the last occasion, the Return was made optional, still I think, out of the whole population of Ireland, there were only some 3,000 persons who did not give information as to their religious belief. But we felt that there were political difficulties which prevailed, and we were unable to advise the present Government to occupy a position which had not been taken up by its predecessors. I am not quite sure whether, in the discussion in 1880, I did not then take an opinion in favour of making the Return. If the political condition of the country would allow it, I should be delighted if the Return were made; and I have no doubt, just as in Ireland you have got a Return after Disestablishment, so in Scotland you would get a Return without objection if you got Disestablishmont in Scotland. Objections would disappear if once you had Disestablishment. It was so in Ireland, and it would be so in England. But whatever the country is going to do in regard to the manner of taking the census, it is extremely necessary that you should have good workers at the bottom. Now, the choice of enumerators is a very important matter. In Ireland the police are used, and they do the work extremely well. But we cannot do that in Great Britain, where the police are not an Imperial body. Nor could the postmen or retired soldiers be used. We were obliged to leave the question very much as we found it, namely, to leave it to the District Registrars, subject to the approbation of the Superintendent Registrars, subject, again, to the Registrar General. But we suggested that a rather stringent Circular should be issued to the District Registrars with respect to the choice of enumerators. There is another matter on which we have a better prospect than on the last occasion. In 1881 the Registrar, in working out the Schedule, employed a staff of clerks, and there was an unsatisfactory Report as to the clerks employed. They were recommended without reference to their education or intellectual and moral qualifications, and one of the gentlemen engaged in the census informed me that he had afterwards met two or three of the clerks, who turned out to be not unknown to the Criminal Law! We have made a recommendation for bringing into operation the principle of competitive examination in respect of these clerks. It is probably not necessary to have a complete revision in respect of the Lower Division clerks; but I think we shall have an adequate supply of fairly well-trained clerks to do this work, and in this respect we may get better census machinery. If we are going to make a census, that which statisticians desire; if we are going to gratify that passion for statistics with which I remember the Chancellor of the Exchequer once confessed he was animated; if the census is to be made a picture of the nation in its distribution, its pursuits, and its intellectual advancement, there must be at the top a permanent organisation continually looking after the work, and perfecting it, and making it their business in life. Unless we do this, none of the results we desire to obtain are likely to be arrived at.

(8.2.) THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): In reply to my right hon. Friend, I beg to assure him that if we have not introduced into this Bill any arrangement for holding a quinquennial census, it must by no means be considered that we pronounce against such a scheme as tha which has been described by the rig h

hon. Gentleman. I may go further than that, and say that we are prepared to regard it with a friendly eye, and that it is highly probable we may submit to Parliament proposals in that direction. We think it would be difficult and not advisable to introduce into this Bill, within the comparatively short time at our disposal, the general arrangements and larger plans which would follow on the adoption of a quinquennial census; but we will not leave out of sight the valuable recommendations of the Committee over which the right hon. Gentleman presided, and we trust that if we do not meet him entirely, we shall be able to go a long way to satisfy his wishes and those of statisticians and other inquirers into the social condition of the people. The present Bill merely repeats what has been done before. We shall approach the further plan with the advantage of the inquiries conducted by my right hon. Friend, and the President of the Local Government Board (Mr. Ritchie) asks me to assure the right hon. Gentleman that he will not fail to take into consideration all the points which have been urged both in the Report and in the right hon. Gentleman's observations. No doubt there are defects in our industrial statistics, and it is a subject requiring our special attention. Still, it should be remembered that the Board of Trade are taking very great pains in this direction, and the present Government are not blind to the advantages of collecting industrial statistics. I think it would be of the highest importance that the Registrars' Department should be strengthened by the addition to it of persons whose almost exclusive interests should lie in a statistical direction. If a permanent Census Bureau were established by Act of Parliament, it would be necessary to assist the Registrar General by selecting some gentleman who would be distinctly interested in the science of statistics alone, and who would make it his main duty to further in every way the extension of our statistical knowledge. With regard to the enumerators, I read with surprise the revelations with regard to them on the last occasion. The recommendations of my right hon. Friend will receive every attention, and I think I may say that no such reproach shall be brought against the Census of 1891 as appears to have been justly brought in some particulars against the Census of 1881. (8.8.)

(8.40.) Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

(8.42.) MR. A. ACLAND (York, W.R., Rotherham): Seeing the President of the Local Government Board in his place, I desire to say that those of us who waited upon him as a deputation have to acknowledge our obligations to him for meeting us on three important points, namely, that information should be given as to employer and employed, as to persons living on their own means, and as to the number of rooms in which people live. As to a quinquennial census, I do not think there is anything to add to what the Chairman of Committees (Mr. Courtney) has said. That right hon. Gentleman is a great statistician and authority on questions of political economy, and his weighty words, no doubt, have some effect on the Government. It is a matter of regret that hon. Members do not feel sure about a quinquennial census, and, still more, that they do not feel sure about some permanency in the Census Department. The Chancellor of the Exchequer, however, used valuable and important words, in which he indicated his feeling that some permanent element is really required in the Census Office. It is well to bear in mind that the recommendation as to a quinquennial census and a permanent Department was signed by the Chairman of Committees, who has been Secretary to the Treasury; the Registrar General; Sir Hugh Owen, the permanent head of the Local Government Board; Mr. Charles Booth, who, by what he has done in relation to the East End of London, has shown himself an admirable statistician; and by two Members of the House of Commons, one from each side. I think we may fairly hope that we shall get a quinquennial census when the time comes, and that in any case we shall get a really permanent element in the Census Department. I think, too, that what the President of the Local Government Board and the Chancellor of the Exchequer have said as to the enumerators, and as to the clerks, shows that in 10 years' time we have got very much more interest taken in the question. The Government are

going to do their best to make the local enumerators better in character if they can; they are going to make the local registrars feel that the census-taking is not a matter of local jobbery for their friends, but an occasion for them to do the best they can to get efficient men as enumerators. The Treasury, too, are bent on securing the services of a creditable body of men to carry out the work which will be inaugurated next year. These things give us some hope that the Government is looking at the matter in a serious spirit, and that they are anxious in every way to secure that the Census of 1891 shall in many ways be in advance of the census of 10 years ago. I have one practical suggestion to make. It was certainly urged in the evidence before the Committee that many of the working men who fill up the Return do not really care much about the matter. I suggest that the right hon. Gentleman or his Department, or the Census Department, should address a polite letter to the three great organised bodies of working men urging them to take the matter up as one of interest from their own point of view. I believe such an appeal would be of great value. A letter might be written to the Parliamentary Committee of the Trades Unions, to the Central Body of the Co-operative Societies, and to the leading Friendly Societies. I feel convinced that those bodies will urge all their more intelligent members to look at the census not as a mere mechanical matter, but as a matter which, if intelligently dealt with, will increase the amount of accurate information.

*(8.48.) MR. HOWARD VINCENT (Sheffield, Central): I think the census should furnish the people with an accurate Return of the foreign population in the United Kingdom. According to the Census of 1881 the number of foreigners in the United Kingdom was 136,000, and in England and Wales 118,000. Taking the total population of England and Wales, this shows a percentage of foreigners of ·42. The accuracy of the Return has been much questioned. I notice that by Section 5 of the Bill the census is to show the birthplace of every living person abiding in a house on the night of the census day; but if that provision is not amended, the children of foreign parents, born in the United Kingdom, will be returned, not as foreigners, but as English, or Scotch, or Irish, as the case may be. It is very important that the Government should see their way to obtain correct information concerning the number of foreigners in the country, not only of persons born abroad, but of the children of foreign parents born in this country, together with information as to the occupation of such foreigners.

*(8.50.) MR. BRADLAUGH (Northampton): When the Chancellor of the Exchequer referred to the favourable views of the Government in industrial statistics, I could not help thinking of the difficulty already experienced in that branch of the industrial statistics to which I have specially directed my attention. In 1886 the House viewed favourably a proposal which I then made to it, and a Department of Labour Statistics was established in connection with the Board of Trade. We know that in America the labour statistics are far more complete than here. I am afraid the Treasury has greatly crippled the Industrial Statistical Department of the Board of Trade, and I would suggest that in connection with any permanent collection of statistics the Government might well consider that there is a means now at their disposal of obtaining reliable information. I hardly take the view entertained by my hon. Friend (Mr. A. Acland) as to the facility with which statistics may be got from the workmen themselves. The experience up to the present has been rather in the other direction. It is perfectly true that if Mr. Burnett, or whoever is the person responsible, had more clerical assistance more might be done. As far back as 1887 we were promised the presentation of three different parts of statistics relating to wage. We have only received two at present. The delay in presenting these and other Labour Statistical Returns renders them almost worthless. These matters are of far more importance than some may think. Labour questions are forced on the House, and it is only in consequence of possessing accurate knowledge that replies can be made to those who raise cases of hardship in the House. I am one of those who think that the general condition of the working classes is far better

than it was. I think it is an improving condition, and that even the cases of poverty and misery in large centres of population are in proportion to population more rare than they were. But unless one is able to show by statistics that this is so, he is placed at a great disadvantage. It would be a vast improvement if the Census Department were made permanent, and I think even thousands of pounds would be economically spent in making the Department permanent. In connection with the textile industries, we have accurate information as to the hours of working and the wages paid to something like 893,000 workers. There is no reason that what has been done in the textile industries should not be done in other industrial departments of the country. It would, I think, prevent some of the difficulties that arise when contrast is made between the industries of this country and of other countries. I do not think that we can quite hope that the great Trade Societies can be relied upon to do as much as we would wish. Only something like one-third of the Societies—I admit they include some of the very largest Societies—have made Returns of statistics to the Department now existing, and there are no means at present of urging the Societies on. I trust the Government will give us the assurance that they will take such steps that we shall not be in the dark when a question affecting industry is under discussion, but be able to refer to the precise figures of each industry.

*(8.56.) MR. S. T. EVANS (Glamorgan, Mid): I am anxious to point out that the Bill does not provide that particulars shall be given as to whether the persons in Wales speak Welsh only, or Welsh and English. The Scotch Bill contains the provision that particulars shall be given as to whether the people speak Gaelic only, or Gaelic and English. I believe it is conceded by everybody that the Welsh people take a greater interest in their language than the English do, and certainly more than the Scotch or Irish do. This Session a Report of a Royal Commission has been presented to the House in the Welsh language, while the Scotch have never had a Report presented in Gaelic, or the Irish in Irish. That in itself shows that the Welsh people do take very great interest in their language, and that the House is prepared to admit the fact. I believe there is not a single periodical published in the Irish language, nor a single periodical published in Gaelic, although Gaelic paragraphs are sometimes published in English newspapers; but in Wales we have nearly 40 periodicals and newspapers published in the Welsh language. Even the burden of the Welsh national song is the expression of a wish that "the old language may endure;" and it is, in fact, becoming more spoken. The right hon. Gentleman is disposed, I know, to give favourable consideration to our suggestion, and I hope he will say that he will give effect to it when the Bill is in Committee. I do not think there will be any objection from any quarter of the House. Whatever may be the differences in creed or politics, Welsh opinion is certainly united upon this, and I do not think the increase of cost will be very much to provide these additional particulars in the Return. I would venture also to make one more appeal, though if I cannot have both granted, I would more particularly urge the first. But, I would ask, would it not be possible to issue the Census Papers in the Welsh language? Notices for increase of taxation are thus made known to the Welsh people, and I think concession might be carried as far as I have indicated.

*(9.3.) SIR WALTER FOSTER (Derby, Ilkeston): I quite agree with the right hon. Gentleman as to the desirability of not encumbering the Census Returns with too many details, but still there are directions in which they might be improved, especially in regard to industrial statistics, and possibly in the direction to which the hon. Member has just referred. It is essential that the Returns should be efficient and yet simple, so that they may be "understanded of the people." I heard with considerable satisfaction the sympathetic words of the Chancellor of the Exchequer as to a quinquennial census, and I hope that sympathy may yet find a practical form of expression before the Bill passes through the House, in the acceptance of an Amendment providing for a quinquennial census. I urge this on the ground of public health. Health statistics based on population have done much to urge

Sanitary Authorities to the due discharge of their duties, but based, as these statistics have to be, on Decennial Returns, they are apt to be misleading; and I would remind the House of the very strong recommendation of the Majority Report of the Committee in favour of Quinquennial Returns. Sir Reginald Welby, I think, was the only member who did not advise it. I am surprised to find such a large estimate made of the cost of this simpler Census; but even if the cost should be as much as some witnesses have stated, I think the money will be well spent, for it will give increased accuracy to the weekly statistics of the birth- and death-rates. In growing towns the sanitary conditions are often the worst, and unhealthy conditions are not sufficiently recognised; but with a quinquennial numbering of the population vital facts would be brought out in a way that must exercise far more influence on Local Authorities than now obtains. Then, also, in rural districts, where often there is a decline in population, although you have the death-rate and birth-rate calculated you do not get the actual and accurate state of affairs, because the result is based on the previous 10 years' fluctuation of population. There is, consequently, not the strong incentive to activity upon Local Authorities, because the statistics are somewhat conjectural. We have just been occupied with a Bill to improve the housing of the people, a Bill which has been made a very useful measure by the work of the Committee upstairs and the conciliatory attitude of the President of the Local Government Board; but one of the strongest arguments to enforce the action of Local Authorities under that Bill would be to provide frequent and accurate vital health statistics, such as a quinquennial census would supply. The expense entailed, even though it be considerable, would come back to us, and that not after many days, in the improved sanitary conditions in which our population would live. It would entail a permanent staff and a Census Department, but this would be a public advantage. There would be an accumulation of experience from one census to another in the same hands and under the same officials, who would get a greater amount of skill in taking the census and presenting the results. I hope, before the Bill passes, we shall have a definite statement from the Government that they will accept an Amendment for a quinquennial census.

*(9.10.) MR. TOMLINSON (Preston): There is a question as to the date for taking the census, which, though it has not been raised in this Debate has been alluded to outside, and this, I presume, is an open one, as the date is left in italics in the Bill. Sunday is selected as the day when people are more likely to be in their homes, and is probably the most suitable day in the week. But the particular Sunday is very near Easter.

*MR. RITCHIE: The Sunday after.

*MR. TOMLINSON: That is a day on which there will be many persons who take their holidays at that season of the year who will not have returned to their homes, and I suggest that it might be desirable to make the date a week later. I regret that it has not been found possible to include the religious professions of people in England and Scotland amongst the subjects of inquiry, and I do not see good ground for excluding this information. Whatever might be the result, I am sure there would be no objection on the part of the Church of England to a religious census.

*(9.14.) MR. SHAW LEFEVRE (Bradford, Central): I am glad to find that the Government have not altogether decided against the principle of a quinquennial census, and I venture to suggest that now is the proper time to arrive at a decision; for if it should be decided upon, it would be introduced into the present Bill, and there would not be a necessity to introduce a Census Bill every five years. This would influence the appointments to be made for carrying out the work; it would be a permanent staff, and somewhat different to the staff appointed for the decennial census. As ex-chairman of the Statistical Society, I can emphatically say that all persons interested in the study of statistics have the strongest feeling in favour of a quinquennial census. For purposes of comparison 10 years is too long an interval; and in almost every country and in our colonies, the five years' census is adopted. My hon. Friend (Sir W. Foster) has alluded to the great importance of the subject of vital statistics, and I may mention that the Census of 1881 brought

out the fact, as compared with the previous Census of 1871, that the average duration of life had increased in men by two and a half, and in women by three and a half years, the increase being mainly between the ages of 10 and 50; above 50, the duration having rather declined. What may be the cause of this very interesting fact is still matter of dispute; but it would be extremely interesting to know whether the causes operate through five years, or whether they have stopped. With regard to a religious census, I think the Government have done wisely in not entering upon that thorny subject. I am sure, if they had entered upon it, we should have found the Session prolonged a month. There is a strong feeling that the religious census taken in England does not give a fair indication of the relative position of religious sects. It is not necessary to go into the subject now, but undoubtedly there are grounds for believing that a large number of people are unwilling to declare themselves Nonconformists so long as the Established Church exists. When the Established Church ceases to exist, probably there will be no greater difficulty in taking a religious census here than in Ireland or in our colonies. I recollect hearing of a census in one of our colonies in which many persons described their religious profession as "£ s. d." It is a somewhat novel form to give to religious opinion, but I am not sure that there are not many worshippers of Mammon among us who would not unappropriately come under the definition with a truthful Return, but who now classify themselves under the Established Church. I hope that whatever changes may be made in the new census, the same classification will be followed as in former years, else it will be difficult to make comparisons. Whatever additions may be made, and there is much information desirable, I hope the same main classification will be followed. Before the Bill passes through Committee I trust that the Government will have decided as to whether a quinquennial census shall be adopted in the future. If I may gather from the opinions expressed by Members the view of the country, I think that change would be acceptable.

(9.22.) MR. D. THOMAS (Merthyr Tydvil): I would endorse what has been urged by my hon. Friend (Mr. S. T. Evans) with emphasis. I do not think the people of England realise the extent to which Welsh is spoken in the Principality. It is the language of pulpit, press, and people. When I go underground among the pitmen in the collieries I have to speak in Welsh, and as you walk through the streets of the towns you hear the people converse in Welsh. Young children of English parents coming to Wales soon learn the language, and seem to prefer to use it. One of the few young Irishmen who are employed underground, whom I met with the other day, I found using Welsh in preference to English. It is preposterous to have in Scotland a Return of the Gaelic-speaking population—they are but a small proportion of the people—while in Wales Welsh is the language of at least two-thirds of the population. Official recognition has been given to the Welsh language, as my hon. Friend has pointed out, by the Report of the Sunday Closing Commission being published in Welsh, and I may also mention the Local Government Act. The sale of that Act in Welsh must not be taken as any indication of the number of people who read the language, because it was published late, and a very good translation had already been circulated by private individuals.

*(9.25.) SIR E. J. REED (Cardiff): I support the appeal for the inclusion of Welsh-speaking statistics in the Returns, and I do so from a somewhat different point of view to my hon. Friends. They wish to bring out the extent to which the language is spoken, as I do also; but I also wish to bring out clearly the limitations of its use. Many questions are continually arising, sometimes of a political, often of a social character, and they are dealt with on the assumption by many persons, not that the Welsh language prevails in the interior of Wales, but as if Welsh were the only language used. Now, when we come to discuss such questions, for example, as Welsh Home Rule, I have a strong opinion that we shall find that a large proportion of the people have no use whatever for the Welsh language, and that Home Rule for Wales might be

materially influenced in favour of the solution I should prefer to seek by the knowledge this census would give. But I entirely endorse the appeal made by my hon. Friends, and I hope it will be acceded to. I would also support the view that the census should be taken more frequently. In the case of the town I have the privilege to represent in this House, it suffers in political position because of the decennial census. At the time of the last Redistribution Bill the Government were not justified by the latest Census Returns in giving Cardiff two Members; but now Cardiff has a population of quite 130,000, and still is represented by only one Member. There are other towns in England with 50,000 population represented by two Members. But for the fact that in the Redistribution Bill the Government had only the last decennial census to go upon, Cardiff would now, as it should, have two Members. The anomaly will become more serious as time goes on, unless something is done to correct it. It must be admitted that those towns in which industries have developed and population increased ought not to be subjected to political disability on account of delay in the official recognition of statistical facts.

(9.29.) MR. WALLACE (Edinburgh, E.): I do not object to the request that a Return should be made of the people in Wales who speak the Welsh language; but I wish to say that when that request is grounded on the fact that a similar claim has been conceded to Scotland and the Gaelic language, hon. Members have not accurately observed the provisions of the Scotch Bill. Though I may not be strictly in order, I may be allowed to anticipate the discussion of that Bill by a few minutes. I may remind hon. Members that the Schedule requires that it should be stated whether any person is blind, or deaf and dumb, or imbecile, or lunatic, or speaks Gaelic, as if all these things were *ejusdem generis*. Everyone is to say in his Return whether he is employer or employed; and in the absence of instruction or definition, a Government clerk might suppose that he is an employer because he has a domestic servant. I think a great many people will experience considerable difficulty in deciding how they are to fill in these columns, because a great mass of the people of the country find it necessary in some way or other to employ the labour of other people, although they may themselves be in employment. The consequence may be that we shall get an entirely fallacious view of the social condition of the country, and be completely misled. I contend that the Bill does not adequately provide for obtaining information as to whether people belong to the class of the employer or the employed, or as to whether they live on their means. Clauses should be inserted dealing more definitely with these points. I hope the right hon. Gentleman will give attention to these points.

*(9.38.) MR. RITCHIE: I have no right to speak again, but I hope the House will allow me to say one or two words on the points raised in the course of the discussion. The hon. Member says there is no sufficient provision in the Bill for defining who is an employer or who is employed. I think that that difficulty cannot arise, because the words employer and employed are used with reference to occupation in any trade. A clerk who simply employs a servant would not come under the head of employer. The discussion has turned mainly upon a quinquennial census and a permanent staff. The House will gather that the Government regard both favourably, and what has been said will strengthen them in the view they hold. Clearly, the tendency of opinion is strongly in favour of a quinquennial census, and there can be no doubt that if it is undertaken at all it ought to be undertaken by a permanent staff. There is a great deal of force in what has been said as to the improvement of the census by the constant attention of a permanent staff, so as to make it a thoroughly reliable Return of the people and their occupations. It must not be supposed that the Government desire to express an adverse view by the introduction of the present Bill; but they feel there are many things that ought to be considered before they ask Parliament to deal with the larger question. Interested as I am in vital and health statistics, I can readily recognise what assistance those who have charge of the public health will derive from obtaining a knowledge of the condition of the people every five years. I have shown that I have no

prejudice against adopting the Welsh language where it can be usefully employed, because I had the Local Government Act translated. I will see that instructions as to the making of Returns are printed in Welsh; and I will consider the suggestion that there shall be a return of those speaking Welsh, to which I do not see any objection if it is the wish of Welsh Members. An hon. Member has asked for a Return of children attending school, but I think this is objectionable, as people will think it is a Return to be used against themselves. It would destroy the accuracy of the Returns if people come to think there is some ulterior motive behind them. The hon. Member for Sheffield suggests not only a Return of foreigners, but a Return as to their fathers and mothers, a request to which they might not be able to respond. The hon. Member for Preston asks why a particular Sunday is chosen. But the date fixed must be adhered to, unless we have strong grounds for thinking that the day is inappropriate. References have been made to the enumerators, but the House may be assured that the greatest care will be taken that those who are selected will be chosen without any regard to their political views, and solely with a view to their efficiency in the duties they will be called upon to perform.

Question put, and agreed to.

Bill read a second time, and committed for to-morrow.

CENSUS (SCOTLAND) BILL.—(No. 387.)

Bill read a second time, and committed for to-morrow.

CENSUS (IRELAND) BILL.—(No. 386.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That this Bill be now read a second time."

*(9.50.) MR. WEBB (Waterford, W.): The only objection I have to this Bill is the machinery by which it is proposed to work it. I should not object to the police being employed if stringent precautions are taken to ensure that the information obtained is not utilised for other than census purposes. We must all be aware that in many respects the relations of the police with the people in Ireland are not the same as those which exist here. I agree it is quite necessary that a correct census should be taken. I was particularly struck with the remarks of the Home Secretary regarding the inconvenience of having an enumeration of school children, because I am sure that, if such an enumeration were insisted on, parents would feel that the information would be used for other purposes. We know that the police have used the information contained in the last census papers for purposes to which it was not intended originally to apply it, and I think the Government should now assure us that the census papers at the next census will not be used for police purposes. Why, indeed, should the Government object to put in the Bill a clause giving that assurance? Why, also, should they not impose a penalty upon the improper disclosure and use of such information? It is my intention to propose clauses making some such provisions. There should be a minimum penalty of £2 for falsification of the Return. I hope, also, that the opportunity will be taken to ascertain the number of Irish-speaking people in Ireland.

(9.54.) MR. DILLON (Mayo, E.): I would strongly urge on the Government that the census should include a Return of the people speaking the Irish language. In every other country in the world the taking of the census is an occasion for rejoicing and self-congratulation on the advances which have been made; but the last four censuses in Ireland have told a terrible tale of how the people have wasted away. I am afraid that the forthcoming census will tell a similar story. I hope the Return will be made in such a form as to show to the House what is one of the most sad features in connection with the Irish census, namely, that the decrease has taken place in the richest districts, whereas the poorest districts, such as those in the North West, remain over-populated. With regard to the Return of Irish speaking people, I may say there is a strong feeling in Ireland in favour of preserving such a remnant of the past as that language. But I rose chiefly to appeal to the Government on another matter. The Irish Census differs from the English Census in this particular. In Ireland, people are asked what their religion is,

but in England they are not. Why, then, in Ireland should we not in the same way ask the opinion of the people on the great political question of the day? I put it in all seriousness to the Government and to the Liberal Party that the time has now come, when, without much trouble and expense, this great controversy can be settled. At present, the expressed opinions as to the strength of the loyal minority show great discrepancies. Hon. Members opposite speak of it as 2,000,000 or 2,500,000. My own conviction is that it does not exceed 1,100,000. Would it not be an important element for the guidance of statesmen if we had a reliable Return? No man, woman, or child, in Ireland would have any objection to answering such a question. Would not the hon. Member for South Tyrone, or any of his friends, be proud to answer the question? We know that they would. Nothing I can say would give greater satisfaction to my friends than such a Return. The result would be to set at rest for ever all controversy as to the numerical proportions on each side. Before sitting down, I invite the hon. Member for South Belfast (Mr. W. Johnston), and the hon. Member for South Tyrone (Mr. T. W. Russell), to stand up and say whether they have any objection to such a proposal. If the National Party desire it, the Unionist Party ought not to be averse to it.

*(10.1.) THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): I can hardly suppose that the suggestion of the hon. Member for East Mayo as to ascertaining the politics of the people of Ireland by the census is made seriously. It would certainly involve the enumerators in great difficulty. For instance, when an enumerator asks a person whether he is in favour of the policy of the right hon. Gentleman the Member for Mid Lothian, that person might ask him to explain what was that policy. [An hon. MEMBER: Home Rule.] Another hon. Member suggests that the question put should be for or against Home Rule, but a person might just as fairly ask, "What do you mean by Home Rule?" It is impossible to imagine a census being taken in such a way. I repeat, therefore, that I cannot think the hon. Member made the suggestion seriously.

MR. DILLON: Quite seriously.

*MR. MADDEN: If the hon. Member is serious, I have given reasons why his suggestion should not be adopted. As to the suggestion of the hon. Member for West Waterford, I can assure him that no information obtained by means of the census will be improperly used. The present Bill is practically the same as previous Census Bills, and it is intended to take the census of Ireland in the same way as before.

(10.5) MR. SEXTON (Belfast, W.): The right hon. and learned Gentleman has been ingenious, but I submit that he has not been convincing, and that, unless he offers some better arguments than he has just advanced, the House will be disposed to think that my hon. Friend is entitled to what he asks for. The right hon. and learned Gentleman has suggested that there would be difficulty in replying to a question as to whether or not an Irishman is in favour of Home Rule; but there would be no difficulty in getting him to say whether he is in favour of the establishment of an Irish Parliament. At present a person is asked what religion he professes, and a similar objection to that urged by the right hon. Gentleman against the political question might be made against this, for it might be said that a person, when asked whether he is a Protestant, would require to know the distinction between the Protestant and other Churches, or, when asked whether he was a member of the Episcopal Church, would require the enumerator to expound the Thirty-nine Articles. But no such difficulties do arise, and they will not arise if the suggestion of my hon. Friend is carried out. The suggestion that the number of people now speaking the Irish language should be ascertained through the census is an important one, and I hope the Government will give it consideration. As to the undue use of information obtained by the census, it is not difficult to imagine cases in which such information might be used to annoy or to prosecute. I would suggest that the Government should make provision against this in the Bill, otherwise I should be disposed to move an Instruction after the Second Reading, or a clause in Committee, imposing a penalty on persons who improperly disclose information obtained through the census. It is

the duty of Parliament to fix not only the maximum but the minimum penalty.

*(10.10.) MR. W. A. MACDONALD (Queen's Co., Ossory): This Bill differs in many respects from the English and Scotch Census Bills. In England the enumerators are the overseers and relieving officers, and in Scotland the Inspectors and Assistant Inspectors of the poor, but in Ireland the Dublin Police and the Royal Irish Constabulary do the duty. By the English and Scotch Bills a table of allowances is to be laid before Parliament before the 1st of March of next year, but no such table is to be presented in respect to the allowances to the Irish police. In the case of England and Scotland an abstract of Returns has to be laid before Parliament within five months after the taking of the census, but in the case of Ireland 12 months are allowed. I cannot see why five months should not suffice. Another difference is that, while in England and Scotland the census papers are to be left by the enumerators at the houses of the people, who are to fill them up themselves, in Ireland the police are to go round, question the people, and report the answers. I can understand this being done when Ireland was an illiterate country, and there was a large number of people who could neither read nor write; but now you will scarcely find a family where the young people, at all events, cannot read and write, and are consequently able to fill up the census papers. I say it is a positive insult to the Irish people to have policemen going round and asking who slept in their houses on a certain night, instead of giving the papers to the occupants themselves to fill up. I am sure that the Unionist Government ought to try to see that we are treated justly. We have been always hearing of equal laws between great Britain and Ireland, but this is not equal law. To get a number of policemen to ask questions is a very different thing from employing them to leave forms to be filled up by the people themselves. That is a difference which ought to be got rid of. The Bill has been most shamefully drafted. A number of particulars required for England and Scotland do not stand in the Bill at all for Ireland. In England and Scotland you are to ascertain the marriages of the people and the relations of the families. There is no such thing in the Irish Census Bill. In England and Scotland you are to ascertain who is labouring under physical or mental infirmity in a household, who is blind, deaf, or dumb, imbecile or insane: there is no such provision with regard to Ireland. Again, it is provided for England and Scotland that persons who are travelling shall on that night have their existence recorded. It is not so with regard to Ireland. The Bill, as it stands, is so imperfect that it will not give the facts in Ireland which you get in the case of Great Britain. I hope the right hon. Gentleman will see that it is amended, so that we may have an uniform census for the United Kingdom. Now, as to the argument of my hon. Friend the Member for West Belfast, that it would be easy to put on the Census Paper the question, "Are you in favour of the establishment of an Irish Parliament," I think it is perfectly valid as far as it goes. You may not like it, but it could be easily done—nothing easier in the world, and you would then have the question of Irish opinion on Home Rule settled. It would not be altogether in the nature of pure statistics, but on the point of whether or not it would be easy to obtain the information the argument is entirely in favour of my hon. Friend.

(10.20.) DR. TANNER (Cork Co., Mid): I rise for the purpose of urging the Chancellor of the Exchequer to make some reply, though I can quite understand there are difficulties in the way. The Irish Constabulary are a wholly untrustworthy body as regards the information they forward, yet they are to be called upon to ask questions. We really want some intelligible reply to questions from this side of the House. The question has been raised as to whether the people would have to answer whether they are in favour of the Home Rule of the right hon. Gentleman the Member for Mid Lothian. That is utterly absurd, and as the hon. Member for West Belfast put it, you might as well ask a man whether he was a Wesleyan or Independent, or of any section of the Protestant religion.

(10.22.) MR. GOSCHEN: Mr. Speaker, I think most of the questions which have been raised

are more questions for Committee, where they can be fairly raised. The hon. Member has complained that this Bill is not drafted on the same lines as the Scotch and English Bills. As a matter of fact, it has been drafted precisely on the lines of the Bill of 1880. There is scarcely any difference between the two drafts, and we thought it best to follow the precedent of 1880. With regard to the observations of the hon. Member for Belfast in respect to my right hon. Friend the Attorney General, I wish to point out that if once you embark on the course of ascertaining the political views of different portions of the community, it would be difficult to know where we are to stop. Certainly Gentlemen for Wales would insist on having some statements with regard to Welsh Home Rule, and Scotch Gentlemen would want statistics with regard to Scotch Home Rule. I think we do well to remain on the old lines, and to confine the census principally to the non-contentious subjects introduced in the Bill.

(10.25.) MR. P. J. POWER (Waterford, E.): There is one part of my speech to which the Chancellor of the Exchequer made no reply, and which is a matter of importance to us, namely, that in reference to which my hon. Friend has an Instruction on the Paper. On going into Committee, my hon and learned Friend intends to move the same words in Committee, and I would suggest to the Chancellor of the Exchequer that there should be some reply to the remarks of my hon. Friend.

(10.26.) MR. A. O'CONNOR (Donegal, S.): Sir, a phrase peculiarly offensive to many people in Ireland is "Roman Catholics." That question is to be asked—"Are you a Roman Catholic." Though a Catholic, I am no more a Roman Catholic than the Pope is an Irishman. I trust that in the forms that are to be used the word "Roman" will be omitted, and that the word "Catholic" may be used. To use the expression "Roman Catholic" is to do violence and offer offence to the minds of a great many of those of whom you are asking the information.

(10.28.) MR. ILLINGWORTH (Bradford, W.): Sir, I think the discussion that has taken place shows that it will be wise on the part of the Government to confine themselves to matters of fact instead of entering upon the region of opinion. I do not believe that if the hon. Members for West Belfast and East Mayo were to receive, through means of the census, indisputable evidence that the majority of the Irish people were in favour of Home Rule, it would have the slightest effect in altering the convictions of hon. Gentlemen opposite. I object to the *plébiscite* in any form whatever.

(10.30.) COLONEL NOLAN (Galway, N.): As to what has fallen from the hon. Member for Bradford (Mr. Illingworth), I wish to say that the Irish have always been willing to accept the proportion in Irish representation of 85 Home Rulers to 16 on the other side, exclusive of the two University Members—who are, no doubt, extremely valuable Members, but they do not represent the Irish people. We have always been ready to admit that proportion, but it has been universally denied by the Unionist Members and other hon. Gentlemen opposite. Therefore, we are anxious to have this *plébiscite* of the religious opinions of the Irish people. We believe that if such a *plébiscite* is taken it will show a greater proportion on our side than 85 to 16; and if the Government allow such a *plébiscite* to be made they will receive the support of all the Irish Members. Of course, if it is refused, the Irish Members cannot help it. As to the option being given to the Irish people to return themselves as "Roman Catholics," or "Catholics," I think they should have their choice. Some fancy one name and some fancy the other, and I think it should be left open to the people to describe themselves in any way they choose in this respect. I am of opinion that the two should be added together in the Census Returns, and that there should be no distinction made, because there really is no distinction.

Question put, and agreed to.

Bill read a second time, and committed for to-morrow.

Mr. Goschen

(10.32.) MR. SEXTON: As a question of order, I wish to ask, in reference to the proposal I made a short time since with regard to a penalty for disclosing information obtained in the carrying out of this census, whether I can move an Instruction to the Committee now, or shall I have to bring the matter on in Committee?

*MR. SPEAKER: The hon. Member must give notice of such a proposal.

SAVINGS BANKS BILL.—(No. 240.)

SECOND READING.

Order for Second Reading read.

(10.33.) MR. GOSCHEN: I see two Amendments on the Paper to this Order suggesting that it would be more convenient that the names should be filled in in the first Schedule before the Second Reading is taken. I would suggest to hon. Members who are of that opinion that it is best that we should first see how the Bill turns out before hon. Members and others are invited to form part of the proposed Committee. In discussion with some hon. Members whom I should like to enlist on behalf of the Committee which is to be appointed, the opinion was expressed that unless the duties were sufficiently defined there would be serious responsibility resting upon any one who accepted appointment on the Committee. My view was that in the first instance a Committee should be appointed who should frame a scheme, and that that scheme, when framed, should be worked by another Committee. As I find that the Gentlemen I have asked to be parties to the framing of the scheme shrink from the liabilities attaching to the working of it, I should be prepared to accept Amendments in Committee limiting the functions of the first Committee to framing the scheme and regulations under which the working Committee will be appointed. From this point of view the first Committee, I think, should be something in the nature of an Executive Commission. The Bill is the outcome of a Select Committee, which has conducted a very careful inquiry into the subject, and the thanks of the House are due to that Committee for the manner in which they have carried out the details. I have received deputations from Savings Banks, and representations have been made to me from other quarters, which have resulted in my consenting to make alterations in the Bill, and the course I would propose is that the Bill, if the House will consent to read it a second time, should be committed *pro formâ*, and then, when the prominent Amendments are proposed, we can see the Bill as a whole, and the House will be in a better position to judge of it. I would mention some of the Amendments we propose. In Clause 1, to meet an objection which has been made that the section was too strong in its original form, we propose to insert words to the effect that the Government are only responsible or liable for funds invested by Trustees, when under the National Debt Commissioners. We should have it made clear that these Trustee Savings Banks are not Government institutions, and that they have only Government security in so far as they invest in Government securities. It is most desirable that the public—and the ignorant public—who invest in these Trustee Savings Banks, should be as correctly informed as possible of the precise position of these banks with regard to the Government guarantee. Then, in Clause 2, we propose to modify the duties of the first Committee. Besides laying down regulations, we propose that they should fix the mode of appointing the permanent Committee. It would be difficult now to enter upon the controversial subject of how the banks should be represented in future on a Committee of this kind, and I would ask the House to delegate this important function to a certain number of persons to be named in the Schedule, but it will be obvious that I am unable to secure the assent of gentlemen to serve before they know how the Bill will turn out. It is a reasonable view to take to assume that hon. Gentlemen or gentlemen who are not in this House will not like to accept the position until they know the precise liability they will incur by accepting such a position. My view is that there should be three gentlemen connected with the Trustee Savings Banks on the first Committee, three other gentlemen, Members of this House, or others, to represent the views of the general public, and one gentleman to represent the de-

positor's and investor's position. That would form a Committee of seven to frame a scheme to be submitted to Parliament. I will not enlarge on the basis on which this Committee should be formed, because that will work out more or less identical with the suggestion of the Committee, and the Report of the Committee will show the general view that has been taken as to these duties. I trust that the House will do its best to enable us to pass this Bill, because, however well most of the Trustee Savings Banks have been managed, I think recent events have shown that there is a balance of these banks which require inspection, and I think that the public who invest in them should have the satisfaction of knowing that this inspection exists, and that a more thorough audit exists than has hitherto been possible. Then, as regards the question whether Trustees should retain their office if they do not attend the meetings for a year, I think the House will be of opinion that Trustees who do not attend to the business of the bank should cease to be Trustees. It is most desirable that conspicuous names should not be retained upon the Reports, unless the persons take some part in the management, and by that action give to the public that guarantee which the public believe them to give. Therefore, I am prepared to move a clause which will carry this into effect, and provide that a Trustee shall vacate his office unless he has attended once in 12 months. I am informed that sometimes there are very few meetings of Trustees, but there are Committees of Management, and I will introduce words which will provide that if a Trustee is absent from the meetings of the Trustees and of the Committee of Management during a period of 12 months, then he shall vacate his office, but that if he attends the meetings of the Committee of Management that shall be taken as attending full general meetings—because, no doubt, the meetings of the Committee may be more important than the meetings of the body of Trustees. There is one clause as to which I wish to say a word—the clause which gives power to make special investments. There is great liability to abuse in the matters of these investments—though the system has its conveniences—for when you have these two Departments, you have a business, one portion of which is liable to audit and another portion not so liable. I have no wish to disturb the business of the existing banks, and I shall, therefore, propose a clause which will limit in the future the power of these special investments which lie outside the business of the Trustee Savings Banks. Clause 11 refers to the limit of the amount which may be deposited by any single depositor. Hitherto the law has been that £150 has been the limit, but that may be increased by accumulated interest to any sum not exceeding £200. It has been found difficult in practice to distinguish between deposits and accumulated interest, and for that reason it is proposed in the Bill to fix an absolute limit of £200. Some persons, who do not appear to understand the object of the alterations, have taken alarm at the proposed increase of the limit. I do not attach any particular importance to that clause, and rather than expose the Bill to serious opposition, shall be prepared not to press it. Those are the principal Amendments the Government are prepared to introduce into the Bill, and I shall be extremely glad if, in the course of the present Session, we can establish a better system for the control of these banks. I beg to move the Second Reading of the Bill.

Motion made, and Question proposed, "That this Bill be now read a second time."—(*The Chancellor of the Exchequer.*)

*(10.47.) MR. HOWELL (Bethnal Green, N.E.): I am sorry to have to intervene at this moment. I should have been glad if we could have gone into Committee on the Bill and have passed it very rapidly, but I must say I am not satisfied with the statement of the right hon. Gentleman the Chancellor of the Exchequer with regard to the constitution of the Committee. It seems to me that such a Committee as the right hon. Gentleman proposes would be more or less a political Committee to deal with a more or less administrative business—a business largely under the control of the State. I think the House will admit that I was justified in the course I took on this subject in February 1887, when I first brought it under the notice of the House, and pointed out how dangerous it was to leave it in the position

in which it then was. The Government, I admit, have behaved well in the matter, having enabled us to deal with such fraudulent banks as those of Cardiff and Macclesfield. But the very severity of the Act that was passed has prevented its being put into operation in a great number of instances where it ought to have been put into operation. The Government consented to the appointment of a Committee, which investigated the condition of things, but I am obliged to say that the Chancellor of the Exchequer, whilst he has done some things for which I never asked, has omitted to do some others which I believe to be essentially necessary. With regard to the question of investments under the 16th clause, I was never very strong on the matter. I regard the system as an outlet for the capital of some of the banks, and one which should not be lightly interfered with by the Government. One fact remains with regard to it, and that is that the banks which have taken advantage of the 16th clause are among the best and wealthiest in all parts of the country, and why they should have been singled out for attack I cannot understand. With regard to the names, perhaps, the modifications suggested by the right hon. Gentleman will meet the circumstances of the case. I never desired that anything should be done with regard to the savings banks to bring them into disrepute, or lead to their being closed. What I wanted was that the law as it stood should be carried out, believing that if that were done all these fraudulent transactions would be prevented. The right hon. Gentleman proposes that Trustees should cease to act on their neglecting their duty for 12 months. Once a year is not often to attend to such duties as that of Trustee. I am not quite sure that is quite sufficient for the purpose, and I am exceedingly sorry that with all the facts the right hon. Gentleman has had laid before him by the National Debt Commissioners and from other sources, so little has been done to deal with many of these banks, which are in a rotten condition. I submit that every one of these banks, which has to close its doors without payment in full to the depositors, is a blow struck at thrift. It is known that the bank that came to grief recently at Chelsea has not yet paid its depositors in full. As far as I can ascertain, many of the small depositors have received the full amount, but the depositors of above £5 have obtained only 15s. or 16s. It has been urged that 15s. or 17s. 6d. in the £1 is a very fair dividend. It might be a very fair commercial dividend in the case of bankruptcy, but it is not a fair dividend in this case. The poor people made their deposits in the Cardiff Bank on the supposition that they were doing so on the security of the Government, and I hold that we are bound to see these poor depositors paid in full. I know that in this matter the Government deserved the thanks of the House and the country for the way in which they pursued the case in Court. Three years, however, have passed away since I brought the subject before the House of Commons, and the Cardiff depositors are not paid to-day. The Trustees have been fighting the case until, so far as I can ascertain, the actual cost of the litigation has amounted to as much as would have paid the whole of the depositors in full. Now, I say that this Bill, if it is to meet the requirements of the case, ought to so amend the law as to make the Trustees and managers of these banks attend to their duties and prevent the depositors being defrauded. Let me refer to the Macclesfield case for a moment. In that case the man who should have been held primarily responsible for the safe custody of the moneys committed to his care, namely, the actuary of the bank, has escaped all kind of condemnation, and remains to-day a J.P., whilst the poor clerk who was under him is suffering six years' imprisonment for embezzlements in connection with the bank. The doings in connection with that bank were of so gross a nature that the squandering of the money must have been known to the Trustees and managers of the bank, and could not but have been known to the actuary. It was a matter of common notoriety in Macclesfield that the clerk was squandering money in an hotel or public house near the bank itself to such an extent that it was impossible for him to meet out of his salary the expenses he incurred. If this was notorious to people generally in Macclesfield, surely it ought to have been known to the Trustees and managers of the bank, and, above all, to the actuary, who was respon-

sible to the Trustees and managers, and who ought to have been held responsible at law instead of the clerk. I am afraid we have not yet heard the whole story with regard to the Macclesfield Bank; and unless I am mistaken, a memorial will be addressed to this House, or to the Home Secretary, which will make further disclosures, and may show that the things going on in connection with this Macclesfield Bank were actually known to others beyond the person who is now suffering imprisonment. I have referred to this case because it is very important, and I want to know how far the Chancellor of the Exchequer has attempted to meet it and similar cases in the Bill now before the House. The attendance of Trustees is a very important matter. If they only attend once in the year, a great deal may be done during the 11 months in which the Trustee does not put his foot in the bank. I want to know what is to be done to save the money of the depositors? With regard to Committees, I do not want to see semi-political Committees constituted. Already the banks in various parts of the country have far too much of a political complexion. I want them to be national in the best sense of the term, and to be national they ought to be safe. I have no great objection to the constitution of a Committee in the first instance to devise a scheme; but the permanent Committee appointed to carry out the scheme that is to be framed and to manage the audit ought to be under the management of the National Debt Commissioners, to whom the money will be sent, and who will have the documents necessary for the detection of any wrongdoing. Recently I was able from the very adequate Returns given annually to the House to indicate that a certain number of banks were going wrong. For instance, I mentioned the case of Bishop's Stortford before it was discovered that the bank had gone wrong. In that case nearly the whole capital of the bank had been silently drawn out by the actuary in the course of a very few months, and nobody seemed to have discovered it, although it was clear as noon-day in the Returns. I bring no charge of wrong-doing against the Trustees and managers of these banks, and I believe that they have given their names with the intention of being useful and doing good work. But, being Trustees, they ought to discharge all the duties appertaining to the Trust. Were that done there would be very little ground for complaint. Some have supposed that I want to make a general attack on the Trustee Banks. Nothing of the kind. I think there is plenty of room for them as well as for the Post Office Savings Banks. There is not the same need for them to-day as there was 15, or 20, or 30 years ago; but as some prefer the Trustee Banks, I say let them have them by all means. We, however, have a right to see that they are made perfectly safe for the depositors. That is especially so when we remember that year after year sums of money have been appropriated in this House for making up deficiencies in the Trustee Banks. [Mr. Storey: No.] My hon. Friend does not seem to be aware that in one year it cost £25,000 to make good the deficiencies. The nation has had to find the money, and, that being so, it ought certainly to see that there is some security on the part of the Trustees and managers that the actuaries and servants in their employ will carry out the Act of Parliament. Some of these banks are now tottering. If the Act of 1863 were adequately conformed to, if the checks which it provides were applied week after week, there would be no possible chance of defalcations. In my opinion no sufficient reason has been adduced for not naming the Members who are to serve on the Committee, and I beg to move the Amendment of which I have given notice.

Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words "in the opinion of this House, it is inconvenient to assent to the Second Reading of this Bill before the terms of the First Schedule of the Bill have been filled in."—(*Mr. Howell.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

*(11.10.) Mr. J. E. ELLIS (Nottingham, Rushcliffe): I rise in no spirit of hostility to the Bill to second the Amendment. I accept with gratitude the Amendments which have been referred to by the right hon. Gentleman the Chancellor of the Exchequer as being an improvement of the Bill. The Select Committee which considered the question was appointed on the Motion of my hon. Friend (Mr.

Howell), and although I thought that my hon. Friend, in moving for the Committee, played the part of an alarmist, I feel bound to say that as witness after witness came before the Committee my opinion more nearly approached his, and I have now to endorse what he has said respecting the somewhat dangerous position of some of these banks at the present time. I agree entirely with my hon. Friend that Parliament has very considerable responsibility in this matter. Undoubtedly there has been thrown on the taxpayers of the country some financial burden in connection with Trustee Savings Banks, and in proportion as these Banks are likely to be useful so it is bound to remedy any evils marring that usefulness. There is much greater latitude given by them with regard to the withdrawal of deposits than is given by the Government Savings Banks. There are, however, undoubtedly very erroneous ideas among the working population as to the responsibility of the State with regard to these banks. I think that the investment of large sums under the Act of 1863 is not without danger. Undoubtedly, use is made by some of these banks of the names of persons who have long ceased to be of any service, or to feel themselves responsible for the conduct of the bank. I hope the Bill will prove successful in grappling with these difficulties. Coming to its provisions, I think there should be some distinct notice, as suggested in Clause 1, that the State was only responsible to a limited extent for the sums deposited. I agree entirely with my hon. Friend as to the desirability of having the names of the Committee, and also full particulars under Schedule 1, and I do not think that the Chancellor of the Exchequer has disposed of that objection. With respect to the Committee of Inspection, the proposal is based upon the recommendations of the Select Committee. That recommendation was only carried by six votes against five, and I think the Chancellor of the Exchequer will agree that that did not amount to a very strong expression of opinion on the part of the Committee. I am not prepared to take the responsibility of taking steps to throw over the Committee under the Bill, although I am not at all sanguine as to the advantage of setting it up. The issue of the matter rests entirely on the names of the persons selected to serve upon the Committee. I am very glad to hear that the Chancellor of the Exchequer has determined to stand by Clause 6. The Select Committee reported unanimously—

> "It is evident that the character of the names appearing on the list of Trustees must have great influence on the depositors, and there is some reason to think that names are often retained on the list after the persons have become unable, through ill-health, removal from the locality, or other causes, to make themselves responsible for the conduct of the bank."

As to Clause 7, no one who has looked into the matter will deny that the clause is most essential. I hope we shall see no weakening of it in Committee. I agree with the hon. Member for Bethnal Green that it is most extraordinary how the Lord Chancellor can have seen it compatible with his duty to retain in the commission of the peace Messrs. Stringer and Eaton, whose conduct was so animadverted upon in regard to the case of the Macclesfield Bank. Clause 10 deals with special investments. I am glad there is to be some alteration as to investment. When I look at Return 51, which was laid before the House this Session, and saw the character of the investments that have been made by banks in certain districts, I am obliged to say, speaking from some years' experience of banking, that those banks have carried out rather risky operations. In conclusion, I have only to say I do not object to the scheme of an independent Committee; it may fail, and I am quite sure it must fail, unless the Framing Committee are extremely careful as to how the Committee of Inspection is constituted, and as to the nature of the duties it has to perform. I believe that, if Trustee Savings Banks are prudently conducted, as a number of them are, they have a very useful and successful career before them. In districts where gentlemen of position are found ready to give up much of their time without any hope of reward, and just as a labour of love to the work of these banks, these banks succeed. It is only those banks

which fall into the hands of mere officials which fail. I therefore hope that the Amendments which the Chancellor of the Exchequer has enumerated will be adopted, so that the Bill will bring about a much-needed reform.

*(11.25.) MR. BARTLEY (Islington, N.): It seems to me obvious that it is almost impossible for the Chancellor of the Exchequer to give the names until it is known what the Committee has to do. I am sure hon. Members have no idea of the responsibility of this Committee, and I cannot conceive anybody accepting the appointment as the Bill now stands. There are about 350 of these banks; they hold something like £45,000,000, and they have 1,500,000 depositors. Until the Committee is appointed, the gentlemen who are named in the Schedule will have themselves to carry on the inspection and audit of all these banks. Clause 4 provides that the Committee shall not be a paid body, but shall do its duties simply as a labour of love. It seems obvious that no one can undertake these duties until this clause is somewhat altered in the direction of the duties being made somewhat less onerous. With reference to the views of the Select Committee, it seems to me a great pity that the recommendation of that Committee upstairs was not adopted more completely. Unless the audit is done most thoroughly, the result must be disastrous. I am one of those who believe that Trustee Savings Banks have been very wonderfully conducted. When we look at the history of these institutions and find the enormous sums of money that have passed through them—something like £250,000,000 in 25 years — and we find that, with the exception of the Cardiff Bank, there has been hardly any loss at all. I think they reflect great credit on those who conduct them. But, at the same time, there is no question that machinery is wanted to secure that the accounts shall be properly audited. The Committee upstairs went into the matter very carefully; and although I candidly confess I do not like this Bill as much as I hoped I should, I trust we shall read it a second time. I think it may eventually be knocked into a shape that will do a great deal of good.

Mr. J. E. Ellis

*(11.30.) THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): I would make an appeal to the House to allow the Second Reading of the Bill to be taken now, as there is other important business to be taken. My right hon. Friend the Chancellor of the Exchequer has undertaken to re-commit the Bill for the Amendments he proposes to introduce, and the House will then have the measure in its more perfect form, together with the names which my right hon. Friend has promised. I hope the hon. Member will, for the sake of the convenience of the House generally, allow us to take the Second Reading of the Bill now, and he will have a better opportunity for his observations in Committee.

*(11.32.) MR. HOWELL: After the intimation given, I beg leave to withdraw my Amendment.

(11.33.) MR. STOREY (Sunderland) And I, Sir, beg leave to move the adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Storey.*)

*MR. W. H. SMITH: I hope the hon. Member will not insist upon that. To adjourn the Debate now may possibly endanger the Bill and prevent its passing this Session. We cannot re-commit the Bill until it has been read a second time.

(11.34.) MR. STOREY: With the indulgence of the House I may be allowed to explain my action. I think the Trustee Savings Banks have been very badly treated, both by the Government and by the attacks made upon them in other quarters. It is extremely important that some persons who know these banks and their work should speak upon the matter, and the proper time for that is on the Second Reading of the Bill. The Chancellor of the Exchequer asks the House to give a Second Reading to a Bill in which the most important clauses are to be entirely re-cast. That is the most extraordinary proposal I have ever heard.

(11.35.) MR. GOSCHEN: It is just because I am anxious that the House should have the Bill in the form we propose it should assume that I wish to re-commit the Bill. I have received a deputation from nearly all the Savings Banks in the country, and they are fully satisfied with the proposed Amendments.

MR. STOREY: But the House does not know what the Amendments are.

MR. GOSCHEN: The House cannot know until the Bill is re-committed. But if the Bill is committed *pro formâ* and re-printed, an opportunity will be given for the consideration of the Amendments. I will undertake that time shall be given for the circulation of a copy of the Amendments among the banks, and then hon. Members will have an opportunity of preparing any Amendments in the interest of the banks. It is the most business-like course, and I trust the hon. Member will accept it.

*(11.36.) MR. SHAW LEFEVRE (Bradford, Central): I think we all recognise the importance of reading the Bill a second time, and I think my hon. Friend will find a full opportunity for discussion when he has the Bill before him in the amended form the right hon. Gentleman proposes.

(11.36.) MR. CONYBEARE (Cornwall, Camborne): The right hon. Gentleman thinks we are more innocent than we look, but a number of old birds are not to be caught with salt. We thoroughly understand the tactics. For my part, I am fully prepared to support my hon. Friend. I have been bombarded with numerous letters from constituents and others expressing the greatest disapprobation of the proposals of Her Majesty's Government, and I certainly think it is our duty to insist upon a Second Reading discussion. The Amendments may modify materially the whole scope and character of the Bill, and we ought to know what we are doing before we commit ourselves to a Second Reading.

(11.40.) The House divided:—Ayes 86; Noes 184.—(Div. List, No. 192.)

Original Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. STOREY: I do not know, Sir, whether I have exhausted my right of speech——

MR. SYDNEY GEDGE rose in his place, and claimed to move "That the Question be now put," but MR. SPEAKER withheld his assent, and declined then to put that Question.

*MR. SPEAKER: Do I understand the hon. Member for Bethnal Green desires to withdraw his Amendment?

*MR. HOWELL assented.

*MR. SPEAKER: Is it your pleasure the Amendment be withdrawn? [*Cries of* "No."]

*(11.52.) MR. W. H. SMITH: I very much regret the opposition shown to the passing of this Bill. ["No, no."] However, it is not my desire to enter on a contest with hon. Gentlemen in the interests of those who are concerned with the safety and security of Savings Banks, and with those hon. Gentlemen the sole responsibility must rest if a measure which is designed to improve the security of those who place their hard-earned savings in those institutions cannot, in consequence, be passed during the present Session. The Bill has received support from all parts of the House, and my right hon. Friend has shown his desire to meet the wishes of those who want Amendments to be made in a reasonable way. In those circumstances I will not detain the House longer, but allow the House to proceed to the other business which has been fixed for this evening. I agree to an adjournment.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. W. H. Smith.*)

(11.54.) MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I feel obliged to say two things upon this subject. In the first place, I sincerely hope that the right hon. Gentleman will not infer from the Division which has just taken place [*Laughter, and cries of* "Order!"] either that there is any cause for the unseemly

manifestation which has just taken place, or that there is any hostile disposition to the principles of this Bill on this side of the House. [*Laughter.*] Notwithstanding these manifestations of the manner in which hon. Gentlemen prefer to pursue the Debate—notwithstanding this and the waste of time these interruptions cause—I venture to express my belief that this Bill has excellent objects in view, and I sincerely hope that it will pass into law this Session. But I think that the right hon. Gentleman did not see the point which has arisen, which seems to give strength to the appeal of the hon. Member, which I, for my own part, cannot resist. My hon. Friend has a right to a Second Reading discussion. Under the old practice in this House a commitment *pro formâ* has been of frequent occurrence, and is a most useful proceeding; but after that, when re-commitment was used, it would have been in the power of my hon. Friend to resume his Second Reading discussion. Now, by the Rule which has been passed, my hon. Friend is obliged to have his Second Reading discussion now or never, and, therefore, it has been impossible for me to resist the appeal of my hon. Friend. I hope that the right hon. Gentleman will be led by the occurrence of to-night to consider a matter which is of great importance in the procedure of this House, namely, whether when you have made a Rule abolishing the power of debating a Bill on the Speaker leaving the Chair, it would not be wise to make an exception to that Rule when a Bill is committed *pro formâ*, when it might undergo any amount of changes, and when there is no power whatever of questioning any of those changes. With regard to this Bill, I, for one, should be glad to see it advanced with all possible expedition.

Question put, and agreed to.

Debate adjourned till to-morrow.

SUPPLY [8TH JULY]—REPORT.

Order read, for resuming Adjourned Debate on Question [10th July],

"That this House doth agree with the Committee in the Resolution 'That a sum, not exceeding £889,490, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Expenses of the Royal Irish Constabulary."

Question again proposed.

Debate resumed.

(11.55.) MR. DILLON (Mayo, E.): I do not propose to go at length into the facts in relation to the shooting at Charleville, for the purpose of discussing which this Debate has been several times adjourned; but before making a Motion which will enable the Chief Secretary to make his statement with regard to the case, I must first protest against the action of the Government with reference to this Vote. The Debate has several times been postponed on the express understanding that it would ultimately be taken at a reasonable hour; that is to say, half-past 10 or 11. But Members came down to the House, having been given to understand that the Debate would be taken not later than 11, and we waited, astonished at the action of the Government, until half-past 11, when the leader of the House rose, as we supposed, to move the adjournment of the business then under discussion. To our astonishment he persisted in the Debate, and thus we find this Vote is only reached on the stroke of midnight. In these circumstances, I consider I am justified in saying that faith has not been kept with us. Without occupying more time, and in order to allow the Chief Secretary to speak again, I beg to move the reduction of the Vote by £10,000.

*MR. SPEAKER: The hon. Member cannot do that. The House must say "aye" or "no" to the Question whether the House agrees with the Committee in the Resolution.

*(11.57.) THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): I think that it will probably be convenient to the House if I made a short statement now, having regard to the fact that the Chief Secretary can only address the House once. I will shortly indicate the position with regard to this matter, with especial reference to certain statements which were made on the last occasion when it

was last before the House. With regard to what has fallen from the hon. Member for East Mayo, I have to say the Government had every intention of bringing this question on at an earlier hour. Events will sometimes occur, however, in the course of the discussion of an Order of the Day, which render necessary the postponement of the hour at which a subsequent Order of the Day can be taken. It was stated on the last occasion that the action of "Nolan *v.* Concannon" might be treated as an action no longer pending. I find, after inquiries, that no step has been taken by Nolan to bring the action to a close, and that it is still pending. Therefore, while the case is still before the Courts, any discussion of the questions in dispute in the action seems to me to be inexpedient and improper. What is the position of the case? It has been alleged that four shots were fired by the police; that a man named Nolan, sitting on a wall adjoining the station, fell down after the shots were fired, alleging that he had received injury from a bullet. It has been alleged, also, that the firing on the part of the police was not justified by any action on the part of the crowd. On the other hand, it has been alleged that there was action on the part of the crowd, the character of which I will not now discuss, which justified, in point of law, the firing of the police. What course did the plaintiff, and those who were desirous of trying the conduct of the police, take? This cannot be represented as a case which the plaintiff brought before a Court of Law for the purpose of obtaining damages for a substantial injury, because the injury done to the plaintiff was so infinitesimal that one question submitted to the jury was whether Nolan was struck by a bullet at all or whether the abrasion on his leg was not caused by a projection from the wall. It was a case brought into Court for the purpose of trying whether, on this occasion, the firing by the police was justified or not. There were two principal ways, in addition to an investigation before two Magistrates, of trying that question. The police might have been prosecuted criminally for the offence of firing at with intent to kill. That procedure would have involved no question as to the nature of the wound sustained by Nolan, and it would have directly raised the question as to the justifiability of the firing by the police. Then, a civil action for the recovery of damages might have been brought; and, with the view of testing the question whether the police were justified in firing, the plaintiff, and those acting with him, elected to proceed by civil action. What occurred? The civil action was tried before Mr. Justice Murphy and a jury. The jury disagreed. There was no shorthand writer employed to take a report of the Judgment, but it appears that the nature and cause of the injury to the plaintiff and the question of the justifiability of the police were left as a jury question. The case was again tried before the Lord Chief Baron and a jury. I have the best means of information as to the charge of the Lord Chief Baron, because a shorthand writer was present. The Lord Chief Baron, without any expression of opinion, summed up the evidence on both sides, pointing out the conflict of testimony on material points as to the demeanour of the crowd, as to whether there was anything which amounted to an attempt to rescue, and as to whether shots had proceeded from the crowd. He left them the question whether the wound was caused by a bullet or not, and the question whether the firing by the police was justified or not. The jury were unable to agree upon the first of these issues, and the action has not since been discontinued and is still pending. There will, therefore, be a third trial involving the question of the justifiability of the action of the police. That question the Government are now asked to withdraw from the cognisance of the High Court of Justice in order that it may be considered by some other tribunal which it is proposed to constitute. That is a suggestion which the Government certainly cannot entertain as long as the civil action in the High Court is pending.

(12.12.) MR. W. O'BRIEN (Cork, N.E.): It seems to me that from beginning to end of this shameful matter the Government have acted in a most shuffling and uncandid manner. The Government were told in the House three weeks ago that there was an end of this action.

The right hon. Gentleman the Chief Secretary pretended to doubt the assurance that was then given, and two nights afterwards the Member for Leeds produced and read a telegram from the plaintiff's solicitor stating that no further proceedings will be taken in the matter. The Chief Secretary then appeared to accept the assurance, yet to-night the Attorney General pretends that he is not sufficiently assured on the matter, although I, who was said by the police to be the real plaintiff in the case, now assure the House that the proceedings are at an end. I assure the Government there will not be a third trial of this action, because in the trial which has already taken place the guilt of the policeman has been satisfactorily proved. There were two trials, and only on one question put before the jury, a comparatively insignificant point—whether or not the slight injury received by this man was caused by the grazing of a bullet, or by a spike on the wall—was there a disagreement. The jury, which consisted largely of the political friends of the right hon. Gentleman, were prepared to find that the police were not justified in firing, and it cannot be said of Mr. Justice Murphy, who presided over the first trial, that he was favourably disposed towards the plaintiff or his friends. From Mr. Justice Murphy's charge it is clear he considered that the contention of the police that there had been an attempt at rescue was a ridiculous invention. The Chief Baron in his charge also took the same view. If the conduct of the police at Charleville is to be justified and brazened out in this House, our lives in Ireland will not be worth a moment's purchase. To-night the Government fall back upon the miserable excuse that the question is still to be tried by another jury, though it has been tried out already. The question is, whether those 17 armed men were justified in firing four shots into a chance crowd, which they themselves estimated at 100 people, but which I estimate at 40 or 50. In the next compartment but one to that in which I was, there were 11 armed riflemen, and so little did the cheering outside disturb them that not one of them moved out of the carriage, although it is admitted they could have swept the crowd. The whole story of attempted rescue is ridiculous and impossible. The Government offer the same explanations to the House which the policeman offered to Judges and juries, and which the Judges and juries disbelieved. I venture to say it is a shame and a scandal that public money should be employed, as it has been employed, to enable these men to go to trial, and the money of the taxpayers lavished in enabling them to evade the consequences of as gross a piece of savagery as was ever charged against any body of men. If the Government offer the least justification for their action in this case, the least the Irish Members have a right to demand is that copies of the evidence and charges shall be laid on the Table. No man can read those depositions and charges without believing that it is a shame on public justice in Ireland that these men were not drummed out of the Service, if not put upon their trial.

(12.23.) MR. FLYNN (Cork, N.): The right hon. Gentleman has tried to imply that the knowledge that my hon. Friend the Member for North-East Cork was in police custody was possessed by the crowd at Charleville Station on the day in question. He omitted to state that Charleville was 35 miles from the city, and that on that day there were no possible means of communication except by the train, as the telegraph office is only open for one hour on Sunday mornings. What occurred on that particular day? A small crowd assembled on the platform to welcome four or five delegates, and when they heard that my hon. Friend was in the train, they gave cheers "for Mr. O'Brien," while two or three ran to the carriage window in order to shake hands with him, whereupon these cowardly ruffians fired, as they confessed, with intent to kill. Now, I say that this House has a right to demand an explanation from the Government instead of the quibbling, prevaricating, and shuffling we have just heard. I do not know whether the right hon. Gentleman has taken the trouble to read the report of the trials. I have, and I never heard anything so absurd as the suggestion that there was an attempt to rescue the hon. Member on that occasion. Imagine 30 or 40

boys without a weapon in their hands attempting to rescue my hon. Friend out of the custody of 20 strong men armed to the teeth. When these people went to the station, they had not the remotest idea that my hon. Friend would be in the train. I have made inquiries from 15 or 20 persons who were on the platform at the time, and I have seen affidavits which were sworn two or three days after the occurrence, and there is nothing at all to bear out the suggestion of an attempted rescue. The truth is, Inspector Concannon lost his head on that occasion; and long before the train reached Charleville, he was seen boiling over with excitement. It is admitted that he never gave the police orders to fire, and that in firing they disobeyed one of their most stringent regulations. It was sworn by the ticket collector and the head porter in charge of the station that the shots were not fired by the Inspector and the policemen with him until the train was moving from the platform on its way to the next station. This is absolutely proved beyond the possibility of doubt. The guard had given the signal, the whistle had sounded, the train was moving from the platform, when the police fired into this crowd of 30 or 40 people with, as they admit, intent to kill. The young man who brought the action was sitting on a wall engaged in the terribly reprehensible and violent conduct of shouting "Three cheers for William O'Brien," which, if it be an offence, is one committed daily throughout Ireland. It will be a scandal and reproach to this House if an explanation is not given by the Government. If the right hon. Gentleman persists in defending such conduct he is teaching a dangerous lesson to the Irish police and the Irish people, because, if in going to meetings the people are not protected from the unlawful assaults of the police, I should advise the young men to arm themselves with cudgels for self-defence; and as to the more dangerous use of firearms, the right hon. Gentleman is instilling a still more dangerous lesson into the minds of Irishmen, because, in defending the use of such weapons, he cannot expect that the people will not find some way of protecting themselves.

(12.35.) SIR HORACE DAVEY (Stockton): I think the Government are in this matter behaving very shabbily. I am not about to enter into controversial topics relating to any action pending or not pending before the Irish Courts. I am only about to refer to the charge made against the police, both last year and now. It is that they wantonly, and without sufficient provocation, fired upon the people on the platform of a railway station from a railway carriage while the train was in motion and leaving the station. On the 4th of July the Chief Secretary, speaking from information he had received, said, in answer to a question, that it appeared from the official Reports that the door of the railway carriage was surrounded by a mob of about 100 persons; that it was twice forced open, apparently with the object of rescuing Mr. O'Brien; that two shots were fired into the carriage, and that it was only then that the Sub-Inspector and his two men fired. The right hon. Gentleman afterwards said he gathered distinctly that shots were fired by the crowd. I think I am right in stating that at the trial there was no evidence of two shots having been fired, and that there was conflicting evidence as to one shot having been fired by the people. There have been two trials, and on both occasions the jury disagreed as to whether the plaintiff Nolan was injured by a bullet fired by the police or not. Now, I should like to ask the Government whether they are paying Concannon's expenses out of the public funds? Is Concannon's defence to these actions being conducted by the Government out of public money? Because, if that is so, it is idle for the right hon. Gentleman or the Attorney General for Ireland to say they believe, as if the information came to them by the way, that Concannon intends to have another trial. I ask the Government to state whether they intend to have a new trial or not, because although the defence is in the name of Concannon, it is really the defence of the Government. There is another matter the House would like to have cleared up. If the Government intend to have a new trial, at the public expense, what justification is there for it? Are they prepared to say they have better and stronger evidence to lay before a jury in a new trial? If they are not in that position I venture to say

they will be incurring a wanton expenditure of the public money in insisting on a new trial in Concannon's behalf. If my information is correct, the case put forward by the right hon. Gentleman was at least exaggerated, and this being so, and the second trial having proved abortive, the Government are not justified in incurring further expense by prolonging this litigation.

*(12.40.) THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight): I regret that the hon. and learned Gentleman should have charged the Government with acting shabbily for no better reasons than those he has brought forward. He has charged the Chief Secretary—reading from *Hansard*—with having made an exaggerated statement in connection with this matter, and the alleged exaggeration comes simply to this—that, whereas the Chief Secretary stated that, from the information he had received, two shots were fired, it turned out afterwards that only one shot was fired. That was scarcely sufficient ground for such a charge, and the condemnation of the conduct of the police would hardly depend on whether one shot or two shots were fired, if attempts were made to bring about a rescue. The hon. and learned Gentleman has admitted that there was evidence with regard to a possible rescue, and that he has not the means of forming a judgment, yet he has referred to the two issues of the trial, and expressed an opinion with regard to them. Two issues have been raised in the trials, and they have been separately stated; and it is not in accordance with my experience of the trials of issue to suggest that because two juries have been unable to come to a conclusion, therefore the evidence was all on one side. I should have hoped that anyone having my hon. Friend's experieuce at the Bar would have refrained from expressing opinions which certainly ought not to be expressed so long as there is a prospect or probability of the case coming again to trial. The hon. Member for Leeds made a statement from a telegram to the effect that it was arranged that there was to be no new trial.

*MR. HERBERT GLADSTONE (Leeds, West): The Chief Secretary accepted the statement which I made that no further action would be taken by the plaintiff.

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I accepted the statement that the plaintiff did not wish to go on.

*SIR R. WEBSTER: The statement was accepted at the moment, because it was impossible to ascertain the accuracy of the information given by telegram. But after that distinct statement to my right hon. Friend we find the plaintiff taking no steps to discontinue the action. What is the reply of the hon. Member for East Cork? He gets up again in the House and says that there will be no further trial as far as the plaintiff is concerned. Has Concannon no rights in this case? I deny that a person who is charged, and is brought by civil action into Court, has no interest in the matter; and if the right to trial by proviso exists——

MR. MOLLOY (King's Co., Birr): When was the last case?

*SIR R. WEBSTER: I do not know, but in England, and I dare say Ireland as well, the defendant can take an action to trial, and it would be most unfair if we were to come to a decision on this matter on the assumption that the defendant cannot have the case determined. The hon. and learned Gentleman desires to know whether or not the Government are paying the expenses of District Inspector Concannon. If the case had occurred in England I have very little doubt that not only would the expenses of the trial be paid by Government, but that the defence would be undertaken by them, where a policeman, acting *bonâ fide* in the discharge of his duty has made himself liable, and there is no reason to suppose that he has acted maliciously. I understand, however, that the practice in Ireland is, that when a constable is charged under such circumstances he instructs his private solicitor, who conducts his case. The Government do not undertake the defence, but at the end of the trial, when the matter is considered, if the constable is found not to have acted improperly his expenses are paid by the Government. And in the present case, which is an action brought, as is now admitted, not for any great injury done to Nolan or for damages, but to try the question whether a constable has

exceeded his duty, and in which two juries have disagreed, it would be very extraordinary not to pay District Inspector Concannon his expenses. My answer to the hon. and learned Gentleman is, therefore, distinct—namely, that Inspector Concannon consulted his private solicitor, that his solicitor conducted the case, and that the case, therefore, has not been carried on at the dictation or under the control of the Government; but when the case comes to an end, the matter will be considered by the Executive, and if it stand as at present, District Inspector Concannon's expenses will be paid. I deprecate any attempt on the part of the House to discuss the issues of the case if it is going to be tried again, and I contend that it will be alike unwise and unjust to express any judgment upon it until the evidence is fully before us.

(12.50.) MR. SEXTON (Belfast, W.): There are two important questions demanding reply, and which have been asked in the course of this Debate. My hon. Friend the Member for North-East Cork did not obtain a candid answer to his inquiry whether the notes would be laid upon the Table. My hon. Friend also inquired whether the costs of District Inspector Concannon would be paid, but the hon. and learned Gentleman evaded the question. The Attorney General gave a hypothetical answer, though he has often expressed his objection to hypothetical answers in this House. What we want to know is whether the public purse is to be placed in this matter at the disposal of a man who, on the night in question, incurred the moral guilt of murder; for, by evidence of the police themselves, they fired with the intent to kill, and the jury agreed that there had been unjustifiable firing by the police.

MR. A. J. BALFOUR: No.

MR. W. O'BRIEN: Distinctly.

MR. SEXTON: While the Government are sheltering themselves under the plea that the action has not ceased, do they intend to procure the continuance of the action by the funds of the State? The hon. Member for Leeds stated the other night that he had read an intimation from the solicitor of the plaintiff that the plaintiff had no intention to proceed. Does anyone imagine that District Inspector Concannon, of himself, would proceed? I suspect that gentleman has had enough of the case, and that he will be glad to be let alone. But now the Government pretend that Concannon intends to proceed, and on that pretence refuse an answer. The good faith of the Government in the matter may be judged by the speech of the Attorney General for Ireland, who never filled a more pitiable *rôle* than he has done to-night. His speech was a contemptible evasion. One of the right hon. Gentleman's observations was that the Government had no shorthand notes of the Judge's charge. Why, they had a most excellent report. If the humblest politician in Ireland makes a speech on some remote hillside a Government reporter is there, but in the case of a man morally guilty of murder the Government have no means of furnishing a shorthand report of the charge of Her Majesty's Judge. It appears that a police reporter was present on the occasion of the second trial; yet the Government cannot produce the transcript.

*MR. MADDEN: I stated distinctly that I had in my hand the transcript taken by the shorthand writer of the charge of Chief Baron Palles, and that the Government are prepared to lay it on the Table.

MR. SEXTON: The Government have so many reporters to spare all over Ireland that I should have thought they would have seen the importance of this case, and have taken the precaution of procuring a competent report of the charges of both the learned Judges. The Attorney General said that the plaintiff need not have brought his action before a jury, but might have brought the case before two official confederates of the police. I ask the House from that one observation to judge of the good faith of the Government. What is their sheet anchor and main defence? That the action has not been discontinued. We have the most authoritative information that it has been discontinued. I protest against the Attorney General trying to mislead the House into the opinion that there was very little cause of complaint. He suggested that the man was not struck by the bullet.

*MR. MADDEN: I did not suggest that Nolan was not struck by the bullet. What I did say, and it was admitted

by the hon. Member for Cork, was that the trifling nature of the injury led to the conclusion that the action had been brought not for damages but to try the question of the conduct of the police.

MR. SEXTON: I should like to know how the Attorney General would feel were he fired at when on the top of a wall, and he fell from the top to the bottom? I should like to know whether the Attorney General would have taken action. The plaintiff suffered severe shock and serious injury, and was for a considerable time prevented from pursuing his avocation. It is notorious that Inspector Concannon showed a lamentable lack of judgment and self-denial. Can anyone read the evidence given in the case, and the charges of the learned Judges, and have any doubt that the statements made by the Chief Secretary last year that a rescue was contemplated, and that the police had orders to fire, have been proved to be absolutely unfounded? There is no doubt in the world that the police fired without orders, and as to the charge of attempted rescue, there is no doubt whatever that nobody in the crowd knew my hon. Friend (Mr. W. O'Brien) was in the train. The armed policemen in the crowd were as numerous as the whole assembly, and they could have swept the crowd away in five minutes. It is noteworthy that no constable left one of the carriages, although they were all in a position to observe what went on on the platform, and that is a conclusive proof that the people came there with an innocent intention, and that any excitement that existed was caused by the desire to shake hands with my hon. Friend. I am curious to know whether the Chief Secretary will still insist that a shot was fired into the carriage. The evidence proves clearly that the shots fired were fired by the police alone. Who would have taken firearms to the station but the police, and for what purpose? The glass and the woodwork of the carriage have been examined, and there is no trace of a bullet in them. I declare that the Government have, in this case, been guilty of the most miserable evasion, that their conduct amounts to an official incitement to crime, addressed to the armed servants of the Crown, and, if they refuse to give us an assurance that the officer will be removed from the post in which he so narrowly escaped the taking of life, it will be impossible for the Chief Secretary in the future to contend that the Government desire the detection of crime or the maintenance of order.

(1.5.) MR. CLANCY (Dublin Co., N.): It is a remarkable thing that the Chief Secretary has not risen. The inference we draw from his silence is that he is afraid to fall out with Inspector Concannon. The Attorney General has said that the jury did not agree. Does he pretend that the Judges have not pronounced that the firing on this occasion was entirely unjustifiable? The hon. and learned Gentleman says the Government have no verbatim report of the observations of Mr. Justice Murphy, though they have a report of the charge of Chief Baron Palles. Let them produce that, and we will take our stand upon it. I read the charge of Mr. Justice Murphy myself. One of the points on which he dwelt was this: He said, the chief defence, in point of fact, the substance of it, was that there was an attempt at rescue by the crowd, and he went on for a quarter of an hour in the most distinct terms to ridicule that allegation. He pointed out that the police were armed men, that they were trained to the use of arms, that men trained to the use of arms and possessing arms were bound to be men of action and prudence, and should not be subject to sudden bursts of passion, or liable to lose their heads. He pointed out that a rescue from armed police was unknown in the country, and, in fact, he ridiculed the bare idea that any rescue had been attempted. I say that if there were nothing more in the case than this consideration—that the contention of the Chief Secretary last year was based on the alleged attempt to rescue—the contention of the Government has entirely broken down. The Government have a verbatim report of the charge of Chief Baron Palles. Let them lay it on the Table of the House.

MR. A. J. BALFOUR: Hear, hear.

MR. CLANCY: As the right hon. Gentleman intimates his intention of laying it on the Table of the House, and refuses to answer us to-night, I do not think we can pass the Vote to-night. The time has come for the adjournment of

the Debate. I should have thought that the Attorney General for England would have taken a long time before he spoke of the affairs of Ireland again in this House. I thought he had heard enough of Pigott and his doings in Ireland. I cannot help alluding to the right hon. Gentleman's observation that Inspector Concannon had rights, and that he might go on with the action, as if he had not been blessing his stars every day for the last two months that he had escaped by the skin of his teeth, and as if he could afford to go on with the action. Inspector Concannon got off on a miserable technicality. Two questions were left for the jury: first, whether Nolan was hurt by a bullet, or a spike in the wall? and, secondly, whether the police were justified in firing? The jury could not come to a decision on the second question until they had agreed on the first, and because they could not agree that Nolan was hit by a bullet, they were precluded from coming to a decision on the second point. The idea that Concannon is panting and thirsting for a trial, and that he would have one if his own wish were consulted, is about as audacious a pretence as was ever put forward in this House. He will never move in the matter. He could have served notice to have the case dismissed for want of a prosecution, but he has not taken that course. He dare not take it. The theory that a shot was fired into the carriage was blown to the winds in five minutes. If it was correct, one of two things must have happened. Either some one must have been hit, or the bullet would have been found in the carriage, but neither of these things occurred. Immediately after the shot was said to have been fired, the police were challenged by the Member for North-East Cork to search the carriage. They refused to do so at the time, but waited until the hon. Member had left the train, when they sent two men to search the carriage. That search did not result in the finding of a bullet. In fact, Concannon gave up the theory about the shot being fired into the carriage, and he gave the case away in evidence. The fact was that the flash of the alleged firing was nothing more than the flash of the guard's lantern, which was used to start the train. The Chief Secretary is acting now as he acted in the case of Mitchelstown. When that massacre occurred, the right hon. Gentleman started a theory, and he has stuck to it ever since. Even before he received the full Reports of the police, he started a theory, and that theory he has stuck to in spite of most overwhelming evidence against it. He is doing the same thing now. He delivered a theory to the House, and to that theory he adheres, and now he refuses to give any explanation of his conduct. Under the circumstances, the only thing is to move the adjournment of the Debate, which I now do.

MR. E. HARRINGTON: I beg to second the Motion.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Clancy.*)

(1.16.) MR. A. J. BALFOUR: I think the request of the hon. Member who has just sat down is somewhat unreasonable. Complaint is made that I have not spoken; but there are two reasons why I have not taken part in the discussion. One is that my two right hon. and learned Friends have told the House what course the Government intend to take in relation to laying the report of the charge of Chief Baron Palles on the Table and the payment of the expenses.

MR. T. M. HEALY: They said nothing about the expenses.

MR. A. J. BALFOUR: My hon. and learned Friend has given a complete answer on the two points.

MR. T. M. HEALY: What was said about expenses?

MR. A. J. BALFOUR: What was said was that certainly, so far as the two abortive trials were concerned, the Government would pay the expenses.

MR. T. M. HEALY: That is the first time that has been stated.

(1.18.) SIR HORACE DAVEY: What the Attorney General for England said was that when the proceedings were over the Government would consider the matter, and he thought if there was no further trial they would pay the expenses of the abortive trials.

*SIR R. WEBSTER: I said that the Government would certainly pay the expenses of the two abortive trials if

matters remained as they were and no further trial was taken.

(1.19.) MR. A. J. BALFOUR: I understood my hon. and learned Friend to say that, and if hon. Members did not understand it I now state it. These matters having been stated, it does not appear to me that there is anything further to add. I anticipated that the Member for Mid Lothian, at whose request the Vote has been postponed——

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): No, no.

MR. A. J. BALFOUR: Well, I was under that erroneous impression, and I was anxious to hear the right hon. Gentleman's observations, or those of some of his Colleagues, before I myself spoke. I was anxious to hear the right hon. Gentleman or some of his Colleagues on the Front Opposition Bench show why the answers given by my hon. and learned Friends, in answer to specific inquiries, were not satisfactory. I now hope the House will not defer coming to a conclusion on this Vote. The hon. Member who has just sat down says he desires to see the charge of Chief Baron Palles. That is a reasonable request, but some delay will be necessary. The charge will have to be printed, the learned Judge will have to correct the proof sheets, and some considerable time must necessarily elapse before the charge can be sent back to the House. I hope the House will not defer coming to a decision on the Vote until we have seen the charge.

(1.22.) MR. T. M. HEALY: The right hon. Gentleman who has just sat down stated, as is his manner, bluntly, on being questioned closely on the point, what the two learned Gentlemen before him endeavoured to conceal. Concannon has now the declaration of the Government that his costs will be paid in both trials, and then we are to take the suggestion of the Attorney General for Ireland that this man, who has nothing to gain and everything to lose by a third trial, is burning and anxious to have a third trial. The Attorney General said we cannot come to a decision, because the matter may be tried a third time.

SIR R. WEBSTER: I said the Government were unable to come to a decision as to the costs, because the case must be tried a third time, but I submitted that it would be undesirable to come to a decision on the merits of the action, because there must be a third trial.

MR. T. M. HEALY: Then what was the point of the hon. Gentleman's observations as to the merits of the action? The question we have to consider is whether you are going to pay Concannon's costs.

*MR. SPEAKER: The question is the adjournment of the Debate.

MR. T. M. HEALY: I recognise the inexorable logic of that decision, Sir. We ask for the adjournment of the Debate in order that we may have the Judge's charge before us. When the Government think the charge of a Judge is in their favour they produce it without it being asked for, but when it is the other way they cannot be got to do it.

(1.25.) MR. A. J. BALFOUR: I never saw the shorthand notes of the Chief Baron's judgment until the day before yesterday, and it was only yesterday that I recognised that it differed essentially from the report in the *Freeman's Journal.*

(1.26.) MR. T. M. HEALY: This is my point, that the Government, when a charge is in their favour, have both eyes open, but when it is a charge on which we rely, they only see it the day before yesterday.

MR. A. J. BALFOUR: I asked for the charges of the two Judges, but they could not be obtained together at once.

MR. T. M. HEALY: I accept the statement that the right hon. Gentleman could not with due diligence obtain the charges sooner. But I submit that our demand for the adjournment of the Debate in the absence of the Judges' charges is not unreasonable. We desire to know, also, whether the learned Judges think that the expenses of Concannon should be paid by the Government. Could not this question be submitted to them? What would be done in England in a case of this kind? If Mr. Justice Murphy should say that he thinks it right that the expenses of this constable should be paid by the Treasury, I will vote for it myself. I cannot say anything fairer than that, and I submit that I am entitled to a reply.

(1.30.) MR. A. J. BALFOUR: I must point out that it would be impossible to ask any Judge in England or Ireland to answer any question of that kind. Although the Judges in question distinctly stated they left all the matters of fact to the jury, they expressed no opinion on the matters of fact. I am informed that if two similar cases had occurred in England, and the jury had disagreed, the expenses of the police would be paid by the Government.

*MR. T. W. RUSSELL (Tyrone, S.): I think it is well the Debate should be adjourned, and the merits of the question gone into. If Nolan in the meantime would take the steps that are necessary in order to discontinue the action, the merits might be fairly gone into.

MR. DILLON: I hope that after what we have heard the Government will consent to the adjournment of the Debate. If they do not I trust my hon. Friend will go to a Division. An overwhelming case has been made out in favour of the adjournment of the Debate. Everyone feels in his heart that it is desirable that the merits of the case should be fairly placed before the House. The conduct of the police is highly debateable, and it is plain that the two Judges who listened to the evidence were of opinion that the police did not act as they ought to have acted; that they ought not to have fired. [*Cries of* "No."] Well, at all events, it is clear that the facts of the case ought to be brought before the House of Commons before the Session ends. We have had experience on more than one occasion of allowing the consideration of cases to be postponed from one Session to another. If the police did fire on this occasion without justification they committed a great outrage, and not a single one of the men who fired ought to be entrusted with deadly weapons. If we allow this Session to go by without bringing this matter before the notice of Parliament what will happen next Session? We shall be told then by the Chief Secretary that this is ancient history, and is a matter in which no one takes any interest at all. We have been treated in such a way before, and we do not mean to be treated like it again. Therefore, I trust my hon. Friend will go to a Division, if the Government will not give way.

(1.35.) MR. CONYBEARE (Cornwall, Camborne): I noticed that when an hon. Member on this side of the House drew attention to the weak point at issue, namely, what was contained in the Judge's charge, hon. Members opposite made indications of dissent. That proves conclusively that Gentlemen opposite differ from us altogether upon the important question, what is contained in the charge of the Judge. I put it to hon. Members, as fair-minded Englishmen, whether it is fair to ask us to decide the question without knowing what the Judge said? The Chief Secretary said he had not seen a report of the case until Saturday last. How many of his supporters have taken the trouble to read what the Judge said? I certainly think the Government would do well to consent to the adjournment of the Debate for a few days longer.

(1.37.) MR. W. O'BRIEN: I venture to believe that the speeches of hon. Members opposite have made out a good case for the adjournment of the Debate. The Attorney General for Ireland distinctly evaded the important question of costs, but the Chief Secretary blurted out that the Government will pay Mr. Concannon's expenses. If there is an adjournment we shall get considerably further into the confidence of the Government. I agree with my hon. Friends that we ought to have before us the Judge's charge and the evidence given at the trial. I understand the charge was given by the Chief Baron himself; and as to the evidence, I venture to say a Government reporter was present throughout the whole course of the trial, taking notes of the evidence and of the Judge's charge. The Government ought to-night to tell us whether or not they are in a position to give us a full and complete report of the evidence. I think we are entitled to know whether or not the police reporter was present, and did take down the whole of the evidence, and, if so, whether the Government will lay the notes fully before the House, in addition to the charge of the

Chief Baron. The charge of Mr. Justice Murphy does not appear to have been supplied by him. If the police reporter is not in a position to supply it I would suggest that the verbatim report of the charge which appeared in the *Freeman's Journal*—generally a very accurate journal in the matter of short-hand reporting—should be submitted to the learned Judge, and that he should be asked to say whether it is a correct report of what he said, and to supply any deficiency he may find in it. If a police reporter was present the House should, I think, be placed in possession of his notes. I think the House is coming to the conclusion that there is something very much astray in this case, and that the consciences even of the supporters of the Government are being touched in reference to it. The Government would, in my opinion, be wise to adjourn the discussion now, and before it is resumed full materials should be forthcoming for taking the judgment of the House with reference to it.

MR. A. J. BALFOUR: There was no Police report.

(1.42.) MR. E. HARRINGTON (Kerry, W.); The Government are to-night without the necessary evidence.

MR. A. J. BALFOUR: We have no means of getting the evidence. There is no Government report of the evidence. The only report I know of is the *Freeman's Journal* report, and that of course we cannot use.

MR. W. O'BRIEN: Do I understand the right hon. Gentleman to say that the police reporter whom I saw taking notes of the evidence throughout has no notes?

MR. A. J. BALFOUR: I have no knowledge of a police reporter having been present. I can only say that no Police report was ordered by the Government, and that no police reporter, as far as the Government is aware, was ordered to be present, or was present, on the occasion.

(1.43.) MR. E. HARRINGTON: I place more reliance on the right hon. Gentleman's statement than he does himself. He told us to-night he was still awaiting the Report from Chief Baron Palles. ["No, no!"] He talked of the time it took for the learned Judge to correct his proofs. Well, surely it will be some time before hon. Members have that Report in their hands. We claim that the Report of the Judge should be in the hands of Members before they give a final vote. As to the point raised by the hon. Member for North-East Cork (Mr. W. O'Brien) about the presence of a police reporter, I believe, from my own knowledge of Ireland, that it was impossible for a police reporter not to be present on the occasion. A few persons in the town of Tralee, suspected of being of Nationalist proclivities, met together in a peasant's house, and by direction of the authorities a police reporter was present to watch the case. It is impossible to think that in a case of this kind the Government did not direct an official reporter to be present. I would ask the right hon. Gentleman whether, as the representative head of the Government, he did not direct that an official report of the case should be supplied to him from day to day.

MR. A. J. BALFOUR: No.

MR. E. HARRINGTON: Then I must accuse the right hon. Gentleman of the grossest negligence in this matter. By laying the Report on the Table the Government might dispose of this matter in five minutes on a subsequent occasion, and possibly without debate. What good can the Government expect to come from the attitude they have adopted on this question?

(1.48.) The Committee divided:—Ayes 82; Noes 147.—(Div. List, No. 193.)

Original Question again proposed, "That this House doth agree in the Committee in the said Resolution."

(1.59.) DR. TANNER: I think the House has not had a fair opportunity of discussing this Report. If the Government had not broken their pledge the Vote would have been taken at an hour when it might have been adequately discussed. I have only recently had an opportunity of seeing the man Con-

cannon. I know him, and, in my opinion, he is just as guilty as if the four shots had taken four lives. I agree that the House ought to be supplied with a transcript of the shorthand notes taken at the trial. Are we to understand that a shorthand writer was not present on the instructions of the Government?

(2.0.) Sir JOHN COLOMB rose in his place, and claimed to move "That the Question be now put;" but Mr. SPEAKER withheld his assent, and declined then to put that Question.

Debate resumed.

(2.0.) DR. TANNER: In the first place I was trying to address myself to the details of this particular case, and I was seeking to point out the case as an additional reason why we should go on with the discussion. There are many other matters relating to the Constabulary which demand our attention. We want to know why the constable who was taken red-handed in a moonlighting expedition was permitted to escape by his fellow constables, and allowed to leave the country on board one of the New York steamers at Queenstown. But I must refer back to the case of Inspector Concannon. We believe him to be a murderer in thought, if not in deed. We have it admitted that the police fired their rifles on that occasion at Charleville without orders, and I say that the sooner the House deals with this matter, and deals with it in a proper way by giving an impartial investigation into the circumstances, the better it will be for all concerned. It will certainly tend to promote an improved state of things as regards law and order in Ireland. Under the present system every petty constable at every small station in and about the country is a despot. The police are looked upon with suspicion, contempt, and horror. All this is the outcome of the dastardly policy of a cowardly faction. [*A laugh.*] It is all very fine for hon. Members to laugh while they remain perfectly safe in this country, and do not have to encounter humiliation at the hands of these police scoundrels in Ireland, but I do submit that something should be done to put an end to this state of things, which really amounts to a condition of anarchy, thanks to the efforts of the Royal Irish Constabulary.

(2.6.) MR. P. J. POWER (Waterford, W.): When we complain of conduct of the police such as that of which they were guilty at Charleville, we are told by the Attorney General that we have the Criminal Law at our disposal, and yet he refuses to put this Criminal Law in force, when, as we submit, a case has arisen for its application. But it is evident to me that the Government wish to hush up these charges against Inspector Concannon, and they ought to be ashamed of such a desire. It is notorious, in connection with the trials which have already taken place, that Judges who were not particularly friendly to us, expressed their opinions against the actions of the police. The Attorney General for England has just treated the Committee to a speech couched in tones of high morality. That is what we are used to from him. We know how he has always treated the Irish Members, how he has used his position to pursue them. Our contention is that in England costs would not be paid for the defence of police in such a case as this, and we object to the public money being expended for the defence of Inspector Concannon. The right hon. Gentleman the Chief Secretary, in his speech the other night, said the verdict of posterity on his administration would be that he had endeavoured to stand between the oppressor and the oppressed. I think it is a somewhat strange commentary on that statement that he should approve, as he has done in this case, the action of a police official in firing upon the defenceless crowd.

(2.10.) Mr. BARTLEY rose in his place, and claimed to move, "That the Question be now put."

*MR. SPEAKER: I am bound to say that I think for the last quarter of an hour the Debate has not been of a character to induce the House to prolong it much further. I shall not consent to the Motion for the present; but I am bound to say that if the Debate goes on

in its present form I shall be obliged to consent to it.

Debate resumed.

MR. P. J. POWER: We Irishmen are just as anxious to go home as hon. Members opposite, but we complain that the Government are alone responsible for the prolongation of the Debate, because of their refusal to accept the moderate proposals we are making. This matter is one of great importance to the Irish people. The lives of these people depend, to a great extent, on the action of the Government; and the right hon. Gentleman the Chief Secretary has made the Constabulary so indignant against us that they stop at nothing in order to hurt us. I maintain that, as the Minister responsible to this House, it is his duty to repudiate the action of the Constabulary in such cases as this. But, unfortunately, he declines to throw the police overboard when they are guilty of the most outrageous conduct. There was a case almost as bad at Mitchelstown the other day, and on that occasion the action of the police was confirmed by the Government. I think we should be wanting in our duty to our constituents if we did not exhaust every form of this House to extract from the Government some statement repudiating the action of these men, and unless we do get such a repudiation I am afraid that during the next winter more people will be shot down by the police for merely asserting their rights as citizens.

*(2.15.) MR. E. HARRINGTON (Kerry, W.): I do not intend inflicting a long speech on the House, but I wish to say a few words as to the case of Devlin. Here was a man caught red-handed in the act of moonlighting, as gross a case as any of those which have eventuated in sending men into penal servitude for 10 years. He was actually forcing a door when, fortunately, in the interests of justice, the tenant, a man of strength and determination, caught him and took him to the police barracks, although Palmer threatened to kill him. The peasant having handed over the moonlighter to the police, went away without formally charging him, and advantage was taken of this fact to let the man out of custody, pending the issue of a summons against him. The man, consequently, escaped from the country just as proceedings were being taken against him, and the Inspector, when questioned on the subject, merely remarked, "You will have to go a long way to find him." I say that the Government directly connived at this man's escape from justice. We intend to let the country know these facts, and thus expose the insincerity of the Government policy.

(2.20.) Lord ELCHO rose in his place, and claimed to move, "That the Question be now put."

Question put, "That the Question be now put."

The House divided:—Ayes 143; Noes 66.—(Div. List, No. 194.)

(2.35.) Question put accordingly, "That this House doth agree with the Committee in the said Resolution."

The House divided:—Ayes 143; Noes 66.—(Div. List, No. 195.)

INDUSTRIAL SCHOOLS BILL [LORDS]
(No. 348.)

Order for Second Reading read, and discharged.

Bill withdrawn.

ELEMENTARY EDUCATION CONTINUATION SCHOOLS BILL.—(No. 27.)

Order for Second Reading read, and discharged.

Bill withdrawn.

PUBLIC WORKS LOANS [REMISSION].

Committee to consider of authorising the remission of a loan, made by the Commissioners of Public Works in Ireland in respect of Killeany Pier, in pursuance of any Act of the present Session relating to Local Loans (Queen's Recommendation signified), to-morrow.

It being after One of the clock, Mr. Speaker adjourned the House without Question put.

House adjourned at ten minutes before Three o'clock.

HOUSE OF LORDS,

Tuesday, 22nd July, 1890.

PRIVATE BUSINESS.

LOCAL GOVERNMENT PROVISIONAL ORDERS BILL.

*THE PAYMASTER GENERAL (The Earl of JERSEY): My Lords, I beg to move the Motion which stands in my name, that the Sessional Order of the 10th March last be dispensed with for the purpose of reading certain Bills confirming Local Government Provisional Orders. These Bills have been delayed in coming up to your Lordships' House, though they were introduced into the House of Commons in time, partly owing to some difficulties of printing, and partly, also, owing to the opposition which was offered to some of them.

Moved, That the Sessional Order of the 10th of March last—

"That no Bill brought from the House of Commons confirming any Provisional Order or Provisional Certificate shall be read a second time after Friday the 27th day of June next"

be dispensed with in regard to certain Bills, and that the Bills be read 2ª.

THE EARL OF MORLEY: It is quite true, as the noble Earl says, that the Bills were introduced just in time in the House of Commons to comply with the Sessional Orders of this House; but they were only read the first time on the 3rd June. I think the House will admit that this did not allow a sufficient margin to enable the Sessional Order which is passed in this House each year to be complied with. I have seen the subordinates of the noble Lord on the Local Government Board, and they have explained to me various matters of difficulty connected with these Bills. Therefore, I shall not oppose this Motion; but I am sorry to say there are other Bills coming up from the same office at a later stage on which I shall have to say a few words, and with regard to which I cannot pledge myself at the present time as to what action I shall take.

On Question, agreed to.

INTESTATES ESTATES BILL.—(No. 148.)

Returned from the Commons with the Amendment agreed to.

METROPOLIS MANAGEMENT AMENDMENT ACT (1862) AMENDMENT BILL. (No. 168.)

Reported from the Standing Committee for General Bills, with Amendments; The Report thereof received; and Bill re-committed to a Committee of the Whole House on Thursday next; and to be printed as amended. (No. 213.)

ELEMENTARY EDUCATION (BLIND AND DEAF) BILL.—(No. 155.)

Reported from the Standing Committee for General Bills, with Amendments: The Report thereof received; and Bill re-committed to a Committee of the Whole House on Tuesday next; and to be printed as amended. (No. 214.)

SUPREME COURT OF JUDICATURE (PROCEDURE) BILL.—(No. 170.)

now

SUPREME COURT OF JUDICATURE BILL.

Reported from the Standing Committee for Bills relating to Law, &c., with Amendments: The Report thereof received; Bill re-committed to a Committee of the Whole House on Thursday next; and to be printed as amended. (No. 215.)

ELECTIONS (SCOTLAND) (CORRUPT AND ILLEGAL PRACTICES) BILL. (No. 158.)

Reported from the Standing Committee for Bills relating to Law, &c., with Amendments: The Report thereof received; Bill re-committed to a Committee of the Whole House; and to be printed as amended. (No. 216.)

POOR LAW (IRELAND) RATING BILL. (No. 183.)

Reported from the Standing Committee for Bills relating to Law, &c., without Amendment; and re-committed to a Committee of the Whole House on Thursday next.

COMPANIES (WINDING-UP) BILL.—(No. 182.)

Reported from the Standing Committee for Bills relating to Law, &c., with

Amendments: The Report thereof received; Bill re-committed to a Committee of the Whole House on Friday next; and to be printed as amended. (No. 217.)

CONSOLIDATED FUND (No. 2.) BILL.

Read 2ª (according to order): Then Standing Orders Nos. XXXIX. and XLV. considered (according to order), and dispensed with; Committee negatived; Bill read 3ª, and passed.

FISHERY BOARD (SCOTLAND) BILL. (No. 121.)

SECOND READING.

Order of the Day for the Second Reading, read.

*THE SECRETARY OF STATE FOR SCOTLAND (The Marquess of LOTHIAN): I do not propose now to ask your Lordships to consider this Bill. It is one affecting the interests of a very large body of people in Scotland; but as I understand that not only is there no prospect of the Bill passing in the other House of Parliament, but that it is not possible even for the Bill to receive consideration in that House, I think the most respectful course to this House is not to ask your Lordships to consider the Bill now. I propose to take an early opportunity of re-introducing it on another occasion. I therefore beg to move that the Order for Second Reading be discharged.

Order for Second Reading discharged; and Bill (by leave of the House) withdrawn.

MARRIAGES IN BRITISH EMBASSIES, &c. BILL.—(No. 167.)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL GRANVILLE: I do not think I need trouble your Lordships at length in recommending the Second Reading of this Bill. The object of it is to apply the principle of the Marriage (Consulate) Act to Embassies, and to men-of-war, and to make some other Amendments. The difference which now exists is, that at an Embassy British subjects can only be married according to the rites of the Church of England, while at the Consulates they can avail themselves of the services of any other minister, and they may even have a civil marriage performed by the Consul himself. Of course, one point which is a very natural object of jealousy among your Lordships is, that a Bill should not pass which would in any degree increase either the danger of clandestine marriages or of such marriages as are usually repudiated; but I am happy to say that this Bill will strengthen the position instead of weakening it. On behalf of Her Majesty's Government the Attorney General acting for the Foreign Office has been good enough to draw up some clauses which are particularly directed to meet this objection. I need only say, further, that in asking your Lordships to give a Second Reading, I propose to refer it to the Standing Committee on General Bills.

Moved, "That the Bill be now read 2ª." (*The Earl Granville.*)

THE LORD PRESIDENT OF THE COUNCIL (Viscount CRANBROOK): I only want to call attention to the 2nd clause, which seems to me to be rather inconsistent in regard to the beginning and the end of it. Some words ought, I think, to be put in in the first line of that clause. It says:—"Every marriage between parties who are capable of contracting marriage in the United Kingdom;" and in the latter part of the clause it speaks of the marriage as if the same "had been solemnised within Her Majesty's dominions," which would of course cover the various Marriage Laws of the Colonies. I think something should be added to show that it is only to facilitate marriages which could have been performed in the United Kingdom.

*LORD STANLEY OF ALDERLEY: I think the Circular warning Englishwomen against rashly marrying foreigners, especially Frenchmen, except under all the conditions which are required by Foreign Laws to be observed, in order to make marriages valid, was issued to Her Majesty's Consuls by the Foreign Office during its tenure by the noble Earl. He may, therefore, think it superfluous to take further precautions against British subjects marrying under this Act. I think this would be a trap which might lead to Englishwomen getting married in an invalid manner, for the clause applies to marriages "between parties, one of whom is a British subject." If

the British subject were always a male, that would be all right; but supposing an Englishwoman gets married in France without all the previous consents of the parents required having been obtained, the marriage would of course be still invalid under French law. Then this Bill also provides for the commanders of ships abroad being able to solemnise. Does the noble Earl who is in charge of this Bill consider that it is certain that no commander of a gunboat may carry out marriages without forgetting to require that the provisions which are usual under Foreign Law are observed?

EARL GRANVILLE: In answer to the noble Lord, I can only say that I have very great confidence that commanders of Her Majesty's vessels will strictly observe the provisions of the Act.

On Question, agreed to; Bill read, 2ª (according to order), and committed to the Standing Committee for General Bills.

SHERIFFS (ASSIZES EXPENSES) BILL.

(No. 202.) COMMITTEE.

THE EARL OF CAMPERDOWN: In moving that the House resolve itself into Committee on this Bill, I wish to say a few words. Your Lordships will observe that since the Bill was read a second time all reference to Ireland has been omitted from it and the measure is now limited to England and Wales. I regret that very much, because I think the provisions of the Bill are even more necessary for Ireland than they are for England and Wales. It was found, however, when the Bill was under the consideration of the Standing Committee that there were many reasons connected with drafting and the necessity of referring to several clauses in other Acts of Parliament, and matters of that kind, which rendered it almost impossible in the present period of the Session to deal with the case of Ireland or to make the Bill applicable to Ireland. I hope that noble Lords who are connected with Ireland will bear the case of that country in mind, and, for my own part, I shall be very glad to support a similar measure for Ireland in the next Session of Parliament.

*EARL SPENCER: I should only like to add a word or two to what my noble Friend has said with regard to Ireland, because I believe if there is a necessity for a Bill of this sort in England there is a still stronger necessity for it in Ireland. I had a long experience in regard to Sheriffs there, and I know there was always the greatest possible difficulty in obtaining proper men to serve the office. The expenses of the shrievalty fall with extreme weight in Ireland upon proprietors, and, therefore, I should be very glad if the subject could be dealt with on a future occasion.

House in Committee (on re-commitment) (according to order).

Clause 3.

*THE EARL OF SELBORNE: My Lords, I take the liberty of submitting to your Lordships that the Lord Chancellor ought to have associated with him, for the purpose of assenting to the rules which may be made under this Act, the Lord Chief Justice of England. I have been informed that that matter was considered before the Select Committee, and that they did not adopt that view; but I have so strong an opinion about it that I feel it to be my duty to submit it to your Lordships. It, of course, will be treated by your Lordships without the smallest reference to any personal consideration whatever, excepting this: that experience in past times has shown that the office of Lord Chancellor may sometimes be filled by those who have no experience of the circuits, and no special knowledge which would make them so well able as some other Judges might be to determine what are the rules required for this purpose. Now, the Lord Chief Justice of England is the President of that Division of the High Court which is specially concerned in this matter, and from which all the Judges who go circuit are taken; and the Lord Chief Justice of England, as the head of that body, and in communication with them, would be the person who naturally would collect their opinions upon any matters specially affecting that Division, himself also having had experience, I may say, universally, of circuit business, both originally at the Bar and afterwards by going the Assizes. He, therefore, has the knowledge which would be specially necessary for this purpose. I do think the person, whoever he may be, who fills that great office, is specially pointed out for the performance of that duty. I see no objection to associating him in it

with the Lord Chancellor; and the Lord Chancellor, as head of the Supreme Court, may properly, I think, be associated with him. From the experience I have had of cases in which the co-operation of two Judges has been necessary, I have no doubt whatever that they will be able perfectly to agree in the discharge of this duty, and if in any point they should differ, then, as it appears to me, the very fact of this difference would be a good reason why the particular rule of which one of them might disapprove should not be adopted I cannot but think it would be a serious mistake to expose the working of this Bill to the possibility of dissatisfaction on the part of the Judges by the omission of the person who is naturally pointed out by his position as one who ought to have at least a voice in this matter. What reasons may operate in any minds to the contrary I do not know, but I know from my own experience the great importance of doing everything which can be done to avoid friction among persons filling the high offices of which I have spoken. The best way of avoiding that friction, in my opinion, is to place confidence where it ought to be placed, and not to appear to refuse to one great office a function which the propriety of things seem specially to point out for it. I need not enlarge further upon the matter, but I feel that I should not have been doing my duty if I had not endeavoured to impress these considerations upon your Lordships.

Amendment moved in Clause 3, page 1, line 21, after ("Lord Chancellor") add ("and the Lord Chief Justice of England.")—(*The Earl of Selborne.*)

THE LORD CHANCELLOR: I heartily concur in the Motion which has been made. It may perhaps be in your Lordships' recollection that when the subject was discussed in this House, and some observations were made by the Lord Chief Justice on the subject, I said that I would myself propose not indeed the exact Amendment which the noble and learned Lord has mentioned, but substituting the office of Lord Chief Justice for that of the Lord Chancellor. I was not a Member of the Committee to which the Bill was referred, and, therefore, I could not redeem my promise; but I now desire to state that I heartily recommend it to your Lordships' acceptance. There is only one observation which I should like to make. The noble Earl seemed to suggest that by some possibility there might be some disagreement between those two high officers on such a subject. Now, I cannot imagine that there could be any. It is quite impossible to suppose that on such a subject there could be any real difference of opinion. I am quite sure that either would take the opinion of the other without the least friction arising between them.

THE EARL OF CAMPERDOWN: I have very considerable hesitation in offering any opposition to this proposal, backed as it has been by both the noble and learned Lords who have spoken, whose opinions very rightly command the confidence of the House in any matter which relates to law, but, at the same time, I shall be guided in the course which I shall take entirely by the apparent sense of the House. Unfortunately, I am bound to say I do not concur in the opinions which have just been expressed, and I will give my reasons very shortly. In the first place, I can assure the noble and learned Lord who made the Motion, that, like himself, I have no idea of pointing to any personal reference at all in any remarks which I may make. Now, the reason why, in the first instance, I inserted the office of Lord Chancellor was because, in all Bills of this kind, it has been customary to specify the Lord Chancellor in connection with regulations whenever they happen to be made. It has always been understood that when regulations are made with the approval of the Lord Chancellor, he has taken the steps which are necessary to satisfy himself that those regulations are proper, and, presumably, of course, in a case of this kind the Lord Chancellor would have consulted the Judges. This proposal, as has been mentioned, was considered in Committee, and hearing of it when it was first made, for it was made rather suddenly, I was myself rather disposed to accept it; and it was not until I had considered it a little further that I thought it would be better to retain the Bill in the form in which it now stands. Of course, it is quite possible, as it has been stated, that the Lord Chancellor and the Lord Chief Justice might not agree with regard to

any particular regulation. In that case, either the Lord Chancellor or the Lord Chief Justice would be able to stop any regulation; and as to whether that would or would not be right, your Lordships will be able, each of you, to form your own opinion. It may be thought that the Lord Chief Justice, who, as has been stated, is familiar with circuits, and who does himself go circuit, should not make the regulations, as it is clear he would be able practically to make the regulations for his own reception and for the reception of the other Judges. I do not wish to make any strong statement upon the matter; but, still, it was stated very clearly to the Committee that the arrangements which had been made had not always been very satisfactory to the High Sheriffs, and, in some cases, had been felt by them to bear rather hardly upon them. Of course, at the present time, the power which the Judges have with regard to their reception is an absolute and a despotic power. If anything is not done which they think ought to be done, they have a very strong argument in their own hands, and can settle the matter in the way which they think best. It is, I submit to your Lordships, scarcely desirable, especially after the evidence that was given to the Committee, that that practice should continue. That is a matter which the House must decide, and I would myself rather see the Bill stand as it is at present. I think the Lord Chancellor's name is quite a sufficient guarantee that all due regulations will be made for the proper reception of the Judges. If your Lordships prefer, as the two noble and learned Lords have suggested, that the office of the Lord Chief Justice of England should be inserted, I must then accept it; but, for myself, if I receive support from the House, I shall feel compelled to take the sense of the House on the question.

THE EARL OF KIMBERLEY: This matter was discussed, as has been mentioned, in the Standing Committee, and I confess, with the greatest possible deference and respect to the two noble and learned Lords, I have a very strong opinion indeed against inserting the name of the Lord Chief Justice. My opinion is, that if that be done, you will almost certainly have that very friction which we all desire to avoid. You must remember what the nature of this clause is. It is not that the Lord Chancellor and the Lord Chief Justice are to make the necessary regulations, but it is the County Council in each county which is to make the regulations, subject to the assent of the Lord Chancellor; and while I think it is quite possible that the matter can be settled satisfactorily with the County Council by the Lord Chancellor after he has ascertained the views of the whole of the Judges, I cannot help feeling that if you put in this clause, however great our respect for those high officers may be, there will occur some friction which we would most particularly desire to avoid between the County Councils and those who have to determine and decide upon the regulations. It seems to me upon principle to be wrong that any persons, however high in position, should themselves make regulations affecting themselves, as in this case, for the reception of the Judges. We know that no person, whoever he may be, is a good Judge in his own cause; and it is much better in a matter of this kind, which, after all, is not a very serious one, but a matter in which we should all desire that every attention and respect should be paid to the Judges, that no friction should occur. It seems to me that if the Lord Chancellor, who has full opportunity of consultation with the Judges, should himself determine whether the regulations as settled by the County Council are satisfactory, that would be much more likely to lead to no further comment than if the name of the Lord Chief Justice were put in.

LORD HERSCHELL: I do not think this matter is one of very great importance, but I cannot altogether agree with my noble and learned Friend who spoke just now, that it is a matter which concerns the Judges only, that is to say, the manner in which they are to be received on circuit. I believe it is of very great importance, as regards the administration of justice, that due and proper respect should be paid to the Judges as they go on their legal duties to the various counties of England. If the spirit in which this measure is to be worked is, that it is intended that the counties shall discharge that obligation as cheaply as possible, or as economically as they can, which seems rather to be the suggestion now made, I think more evil than good

will result from it, and the disadvantages will be greater than any advantage that the Bill will bring. This, of course, I may remind your Lordships, is not a matter in which I am, or ever could be, concerned; and I may, therefore, the more be allowed to point out that there is sometimes a disposition to underestimate the effect which is produced upon the public mind by the appearance of the Judges at Assizes, and the respect with which they are received as they make their entrance at the different towns on their circuits. There is, I own, to my mind, a considerable danger and evil which may arise. Under this Bill you are to have regulations made by each County Council separately. Now, I quite agree that there are many County Councils which probably will deal with this matter in the right spirit and thoroughly well; but I do not know that I feel satisfied it is an absolute certainty that every County Council will deal with the matter in the same spirit, and with the same degree of efficiency throughout the counties of England and Wales. Therefore, it seems to me that there is a necessity for this matter being closely watched and scrutinised; but I desire to enter my protest against the notion that it is the desire of the Judges from any personal interest or to gratify any desire for display or vanity on their part that this attention should be paid to them. It is a matter of the respect due to the administration of justice, and not merely to the individuals who administer it.

*THE MARQUESS OF BATH: Surely, my Lords, the Lord Chancellor can be trusted to consult in this matter with the Judges, and only to sanction those arrangements which he thinks right and proper. It is, I think, a most invidious position in which to propose to place the Lord Chief Justice, who himself goes circuit, that he should appear as objecting apparently in his own interest to any regulations or arrangements which the County Councils may think fit to make. It is really in his interest and for his dignity that any objections which are to be made should come from the Lord Chancellor and not from the Lord Chief Justice, who himself goes circuit. But, my Lords, it is no use to attempt in this House to ignore things which are said outside the House, and there is no doubt there have been great complaints with regard to the exactions, if I may use the word, which have been made occasionally by Judges upon the unfortunate gentlemen who have had the honour to fill the office of High Sheriff; and there is no doubt that if the Lord Chief Justice, as representing the Judges, is placed in the position of I will not say disputing with the County Councils, but of objecting to the arrangements made by the County Councils with regard to his own reception, you will not find that the County Councils will bear with as much equanimity and silence what they may consider undue exactions made upon them as the High Sheriffs have felt themselves compelled to display in the past.

EARL GRANVILLE: It is quite certain this matter is not being argued upon Party grounds; but I would point out as rather remarkable that the only Peers who object to the decision of the Committee are the Lord Chancellor and two ex-Lord Chancellors.

LORD HERSCHELL: I beg the noble Lord's pardon. I took no objection with regard to the point upon the Bill as it stands. I only answered some remarks which were made by my noble Friend. I said nothing on the subject of this particular Amendment.

EARL GRANVILLE: I really think there has been too much modesty shown in the matter by my noble Friends with regard to the question of competence on the part of so high an officer to decide these questions, which after all are not of the greatest importance. I am sure all your Lordships will agree that the two things to be combined as much as possible, are, that on the one hand there should be sufficient respect and dignity attending the circuits of the Judges, and, on the other hand, that there should be no unnecessary expenses unfairly bearing upon the High Sheriffs. But one thing I cannot assume with the noble Lords, and that is that there is no danger of a conflict of opinion. I think we have all known lawyers disagree; we have often seen Judges of different opinions; and I think it is a much more serious consideration that there should be no conflict between the Lord Chancellor and the Lord Chief Justice upon such a point than that the Lord Chan-

cellor should go wrong, and perhaps decide that there should only be two horses instead of four to the Judge's carriage. Therefore, I think if the noble Earl presses the question I shall feel myself bound to support Lord Camperdown.

*THE EARL OF SELBORNE: I am bound to say that the arguments I have heard against the Motion would tend fully to confirm my view, because they seem to depend upon a want of confidence in the Judges, as represented by the Lord Chief Justice, for which I am perfectly sure there is no ground whatever, and to which I should be very sorry indeed to see this House appear to give its countenance.

On Question, their Lordships divided: —Contents 18; Not-Contents 40.

Resolved in the negative.

THE EARL OF CAMPERDOWN: I have another Amendment in Clause 3, after the word "Assizes" to omit all the words down to the end of the first subsection, in order to insert the words "and otherwise as to the duties to be discharged with reference to the Judges and Assizes." The proposal which I am now making is to restore the Bill to the same shape as it was in before it entered Committee. When the Bill was in the Standing Committee, Lord Harrowby proposed to insert the words which now appear in the Bill, and his words differ from mine, inasmuch as they limit the regulations more than my words do. As the Bill now stands, the County Council and the Lord Chancellor will have power to make regulations only as to certain very definite things in connection with the reception and accommodation of the Judges. My words are wider, and would empower them to make any regulations as to matters connected with the reception and accommodation of the Judges, and which are not exactly specified. There is one instance which I think is pertinent and which is alluded to in an Amendment coming later, where Lord Powis proposes to settle whether uniform is or not to be worn by the Sheriff. Under my words a regulation of that sort, if thought necessary, might be made by the County Councils with a reference to the Lord Chancellor. As the clause stands, I think it would be hardly competent for that to be done. That is the difference between the two cases, and I shall be guided by the sense of the House whether the words should stand as they are now or as I would prefer them. When the matter was proposed in Standing Committee the votes were equal, and though, owing to the particular form in which the question was put according to the forms of your Lordships' House, the Amendment being carried by the casting vote of the Chairman, it appears as at present, I think the intention was that it should be rejected. However, the words originally in the Bill were struck out and new words inserted.

Amendment moved, in Clause 3, page 1, line 23, leave out—

"And as to the provision of the necessary accommodation, and as to keeping order within the precincts of the court of assize") and insert ("and otherwise as to the duties to be discharged with reference to the judges and assizes.")—(*The Earl of Camperdown.*)

THE EARL OF HARROWBY: As I inserted these words in Committee perhaps I ought to explain why I was anxious to put them in instead of the words of the noble Earl. The first thing to be observed about this Bill is that it had really to do with the expenses of the Sheriffs. Now, all matters connected with expenses it is most right and proper that the County Councils should make rules in regard to, and those matters are amply set out in the clause as it stands now—

"That the County Councils shall, with the concurrence of the Lord Chancellor, make regulations as to the mode in which in their respective counties the Judges are to be received at the Assizes."

That would include the expense of meeting them at the station, providing equipages, the expenses of lodgings, and as to the arrangements at the Courts of Assize, that is to say, keeping order and employing javelin-men or police. But the noble Earl goes further, and wishes to extend it generally as to the duties to be discharged with reference to the Judges of Assize. It seems to me a strong thing to say that the County Councils should lay down rules for the procedure of this very high officer the High Sheriff, as to receiving the Judges of the land. After all, the High Sheriff is one of the first officers in each county. He is supposed to rank even before the

Lord Lieutenant, who is the Queen's Representative in the county, and I do not think it is consistent with the proprieties of county life that the County Councils should lay down rules for the High Sheriff's guidance with regard to the Judges. Indeed, I do not think the County Councils would in the least desire to interfere in that way; in fact, I am sure mine would desire to avoid laying down rules as to the duties of the High Sheriff. I think, by doing this, we should give offence in many quarters in the counties. It is also quite inconsistent, I think, with regard to the Assizes themselves, and if there are any rules to be made for the guidance of the High Sheriff in his relations with the highest authorities in the land, I think that the Lord Chancellor should make them, and that it is quite inconsistent that the County Councils should do so. I am afraid, therefore, I must oppose this Amendment.

THE LORD CHANCELLOR: I should be glad if the noble Earl would explain what he particularly means by the words "the duties referred to," because, as has been pointed out, there may be duties beyond the mere duties of reception and expenses of lodgings.

*THE MARQUESS OF BATH: You are placing the expenses of receiving the Judges upon the County Councils, and if you place on them the duty of paying their expenses it is fair and right that the County Councils should make the regulations, subject of course to the Lord Chancellor's assent. But supposing there are other duties, as suggested, involved in regard to the High Sheriff, it will be possible as the clause now stands, without the Amendment of the noble Earl, for those duties still to be thrown upon the High Sheriff, involving expenses other than those involved in the duties which are provided for by this Act? No good whatever will have been done, and the Bill will be inoperative if the Judges can impose duties involving expense on the High Sheriff.

THE EARL OF CAMPERDOWN: The noble and learned Lord has asked me what duties I refer to. Well, I have left the duties undetermined, and I rather purposely left them so, because I think there are matters such as I referred to, with regard to wearing uniform and little matters of that kind, which I think it may be quite right to make regulations about, and which, if you retain the words in the Bill as they now stand, I think the Lord Chancellor and the County Councils would be precluded from considering. But as I have said, I shall not take the sense of the House upon this proposal, unless I see very evidently that the House is with me, and I may say that at the present moment I am rather inclined to withdraw the Amendment.

THE LORD CHANCELLOR: I will tell the noble Earl at once that I am very apprehensive of the effect of the words. The duty of the Sheriffs in relation to the Judges at Assizes is to carry out the orders of the Court. Of course the noble Earl did not contemplate such a thing, but I think the words do.

THE EARL OF CAMPERDOWN: No, I did not. I withdraw the Amendment.

Amendment (by leave of the Committee) withdrawn.

VISCOUNT CRANBROOK: The Amendments which I have to move are chiefly what are called drafting Amendments. There is some difficulty in dealing with counties which are divided into Ridings and Divisions. Those matters have been very carefully attended to by the draftsman, and also by my noble Friend Lord Wenlock, whom I do not see in his place, but I may inform the House that he assents to the form in which they are put.

Amendments moved, in Clause 3, page 1, line 28, leave out ("county") and insert ("joint;") in page 2, line 3, leave out ("section two") and insert ("the foregoing provisions of this Act;") in line 4, leave out from ("defrayed,") to the end of line 6, and insert—

("By the several administrative counties in such manner as is provided by the practice heretofore adopted or in such other manner as may be from time to time agreed upon by the councils of the several administrative counties, or in default of agreement may, upon the application of any of such councils, be determined by arbitration in manner provided by the Local Government Act, 1888, and each county council shall pay the sum so apportioned to the treasurer of the joint committee.")

Clause 4, page 2, line 18, at end of line insert—

("In the case of the counties divided into ridings and divisions, and mentioned in section forty-six of the Local Government Act,

1888, the several standing joint committees of the ridings or division shall act under this section in such rotation or at such assizes as the joint committee of the county councils formed in pursuance of the said section may determine.")

At end of clause insert ("section nine of the Sheriffs Act, 1887, is hereby repealed."—(*Viscount Cranbrook.*)

LORD MONK BRETTON: In regard to the Amendment in line 4, I have a verbal Amendment. That Amendment differs from the one of which my noble Friend has given notice before. He has set out, or intended to set out, I think, the words of Section 46 of the Local Government Act, and, I suppose, *per incuriam*, some words have been omitted which are in that section of the Act. It should be "in such manner as provided by the practice heretofore adopted or."

VISCOUNT CRANBROOK: I have no objection to that.

THE EARL OF CAMPERDOWN: I think those words were omitted on purpose. I believe it will be found that was so.

VISCOUNT CRANBROOK: The objection was taken that they wished to have greater freedom than the Act allowed. I was not at the further Conference which took place about it; but perhaps, under the circumstances, my noble Friend will allow it to stand over until I can communicate.

*THE EARL OF POWIS: I move to add after Clause 3 the following new clause: "A sheriff shall not be required to attend in Court dress or in uniform during the Assizes." The practice has greatly extended itself over England of requiring the Sheriffs to appear in Court dress or in full uniform. Now, that is a very useless and unnecessary burden to inflict on a small squire who may be serving the office of High Sheriff, for he is thereby forced to spend £20 or £25 upon a coat which he will never be required to wear again. Before I became a Peer I regularly attended at the Assizes both in Shropshire and Montgomeryshire upon the Oxford and North Wales Circuits, and I never saw in either of those counties the High Sheriff appearing in full uniform. He simply bore a wand in his hand, as the Mayor of a town does on ceremonial occasions, or like a Lord Chamberlain, and he appeared in his ordinary dress. In some of the richer counties some of the men who took the office of High Sheriff for the sake of improving their social position thought, apparently, it would add to the display to put on, quite as a voluntary action, a handsome uniform. Then the custom spread, and at last the Judges required it as a right. I have several times seen in the papers accounts of the Judges insisting upon it; and in one case a Judge threatened to fine an unfortunate Sheriff who had not done so £500 if he did not appear in uniform the next day. The subject was touched upon by the Committee upon this Bill, over which the noble Earl opposite, who introduced this Bill, presided, and they reported that it was a custom which there was no lawful power of enforcing. In that state of things, I think it is much better that your Lordships should express an opinion that this custom should cease than that it should be left to be a matter of contention or arrangement in different counties under the approval of the Lord Chancellor. If it were an old custom I should not say that; but as it is a custom which has grown up within my own memory in counties where it did not originally exist, I think we should express an opinion consistent with that expressed by Lord Camperdown's Committee—that it is not a regulation which the Judges have a right to enforce, and that we should simply say that High Sheriffs are not to be required to attend in Court dress or uniform.

Amendment moved, at end of Clause 3, to insert as a new clause—

"A Sheriff shall not be required to attend in Court dress, or in uniform during the Assizes."—(*The Earl of Powis.*)

THE LORD CHANCELLOR: I hope my noble Friend will not insist upon this Amendment. It seems to me we are descending into very small particulars when the House of Lords is discussing what kind of a coat a High Sheriff is to wear. For the sake of the dignity of the House I will only repeat that I hope the noble Lord will not press his Amendment. For myself, I am able to say that, although I was 25 years on circuit, I never heard of such a controversy as my noble Friend refers to. No doubt High Sheriffs have, from time to time, elected to appear in Court dress, but the notion of a Judge threatening to fine a Sheriff £500 because he did not

appear in Court dress is one of those amiable fictions which the noble Lord must have read in some newspaper or other; and unless he tells me that he is himself cognisant of it, that it is within his own knowledge, I shall not believe it.

*LORD BRAMWELL: I quite concur with my noble and learned Friend. I trust the noble Lord will not persevere in this Amendment, not that I wish High Sheriffs to appear in Court dress or uniform; far from it; but because really there is no necessity for it, because, indeed, there is no law or usage which makes it requisite for them to do so. I claim to speak with some authority in this matter, for I suppose, including Winter Commissions, I must have been some 50 circuits, and have seen, therefore, some 50 different High Sheriffs. When I first went I went with Senior Judges, and I had the advantage of their experience at that time; and I will undertake to say that I never heard of such a thing as that a High Sheriff is bound to present himself in any other dress than the ordinary dress of a gentleman. I concur with my noble and learned Friend the Lord Chancellor in feeling surprise that it should have been said that any Judge could by any possibility have so far forgotten himself as to threaten to fine a High Sheriff £500 because he had not appeared in costume or got some particular dress on. Really, my Lords, I do ask you to look upon me as an authority in this matter. The Amendment is not required. In addition to that, it is rather beneath the dignity of Imperial legislation, and I do trust, therefore, that the noble Earl will not persist in his Motion, particularly when it is borne in mind that if the question could by any possibility arise I suppose the County Councils could, with the concurrence of the Lord Chancellor and the Lord Chief Justice, regulate the apparel to be worn by the High Sheriff.

*LORD MONK BRETTON: As the noble and learned Lord on the Woolsack called for an instance I will give him one. The Lord Chancellor asked whether there was a case within the knowledge of my noble Friend of a difference arising between a Judge and a High Sheriff. I have had in my experience a case when I was Chancellor of the Duchy of Lancaster. I received a letter from a gentleman who was to be High Sheriff, stating that the Assizes at Liverpool would not improbably last three weeks, and representing that during that time he would have "to live in Court dress," which he thought a serious inconvenience. He wrote to me, as I have stated, as Chancellor of the Duchy to know whether he could not be relieved from that necessity. In consequence, I made an application to the Lord Chief Justice, who communicated with the Judge on the Circuit, and an arrangement was made by which the High Sheriff was only to appear in Court dress on the first day of the Assizes. I am very glad to hear, what I understand to be the result of this discussion, that there is no obligation on the part of the Sheriffs to appear in Court dress or in uniform, and that the Judges have no power to fine or otherwise to molest them if they appear in their ordinary dress. Certainly I do not think that is the prevailing impression on the part of the public or of the High Sheriffs, and I question if it is that of many of the Judges themselves. I quite agree that it is a very small matter for the House of Lords to legislate about, but if it is now distinctly understood and goes forth to the public on high authority that there is no obligation on High Sheriffs to wear Court dress or uniform, and that if they do so it is entirely optional on their part, I think the whole object which my noble Friend who moved this clause has in view will be answered, and that he will see that it is unnecessary for him to further press his Amendment.

*THE EARL OF POWIS: I think that what has fallen from the noble and learned Lord on the Woolsack and the noble and learned Lord on the Cross Benches (Lord Bramwell) is as good as a clause, and I will, therefore, withdraw the Amendment.

Amendment (by leave of the Committee) withdrawn.

Clause 4.

Amendments made.

Report of Amendments to be received or Thursday next; and Bill to be printed as amended. (No. 218.)

House adjourned during pleasure; and resumed by the Earl of Morley.

PAUPER LUNATIC ASYLUMS (IRELAND) (OFFICERS' SUPERANNUATION) BILL.—(No. 209.)

House in Committee (according to order); Bill reported without Amendment; and to be read 3ª on Thursday next.

BIRSTALL WESLEYAN CHAPEL TRUST SCHEME CONFIRMATION BILL.
(No. 204.)
SECOND READING.

Order of the Day for the Second Reading read.

LORD BRABOURNE: I have to move the Second Reading of this Bill, which has come up from the other House of Parliament, merely confirming the scheme of the Charity Commissioners, and as it meets with no opposition from any quarter I simply content myself without further remark by moving the Second Reading.

Bill read 2ª (according to order), and committed to a Committee of the whole House on Thursday next.

METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT BILL.
(No. 168.)

Ordered that the Select Committee to whom the Bill stands referred be proposed by the Committee of Selection.

COLONIAL COURTS OF ADMIRALTY BILL.—(No. 44.)

Commons Amendment considered (on Motion), and agreed to.

ALDERSHOT ROADS BILL.

Brought from the Commons; Read 1ª; to be printed; and referred to the Examiners. (No. 219.)

HOUSING OF THE WORKING CLASSES BILL.

Brought from the Commons; read 1ª; to be printed; and to be read 2ª on Friday next. — (*The Viscount Cross.*) (No. 220.)

METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT BILL.

Report from the Committee of Selection, That the Five Lords appointed a Select Committee on the Liverpool Corporation Bill and other Bills, do form a Select Committee for the consideration of the Metropolis Management and Building Acts Amendment Bill; read, and agreed to: All petitions already presented referred to the Committee, with leave to the Committee to hear such of the petitioners as they think fit by their counsel, agents, and witnesses, as also counsel for the Bill.

House adjourned at ten minutes before Seven o'clock, to Thursday next, a quarter before Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, 22nd July, 1890.

QUESTIONS.

THE NEW MAGAZINE RIFLE.

THE MARQUESS OF GRANBY (Leicestershire, Melton): I beg to ask the Secretary of State for War whether a sufficient number of cartridges for the new magazine rifle are being manufactured to form an efficient reserve of ammunition, or whether only enough are being turned out to meet the present musketry instruction requirements of those regiments which have had the new rifle supplied to them?

*THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): It would not be to the benefit of the Public Service for me to state what number of cartridges for the new magazine rifle have been manufactured, but I am taking measures to insure the supply being sufficient for all purposes.

LEEWARD ISLANDS.

MR. SEALE-HAYNE (Devon, Ashburton): I beg to ask the Under Secretary of State for the Colonies if he has received a copy of the Report of Colonel Sir Arthur Mackworth, of the Royal Engineers, appointed by the Governor of the Leeward Islands to inquire into and to report upon the public works in the Island of Dominica, which Report was laid before the Island Road Board, and officially condemns the public works upon which one-third of the loan has been already expended; if the said public loan of £20,000 was raised upon the security of the revenues of the island, and the Governor of the Colony, in disregard of the protests of the members of the Road Board and the unofficial members of the Local Assembly,

continued with the public works now condemned by the Royal Engineer; and if he will state to the House in what way he intends to hold the Governor of the Colony responsible for this expenditure, as stated by the Under Secretary of State in answer to a question upon this subject on 4th November, 1888?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): The Secretary of State has received from the Governor of the Leeward Islands a copy of a Report made by Sir Arthur Mackworth, at his request, on certain bridges which had been commenced in Dominica, as part of a scheme for the improvement of the roads in that island, the cost of which is provided by a public loan. The Report was unfavourable as to some of the works. It is not known whether the Report has been laid before the Road Board, or what proportion of the loan has been spent on the works condemned by Sir A. Mackworth. The loan was raised on the security of the revenues of the island. The works were designed by, and their execution was commenced under, the direction of an experienced engineer, specially engaged for the work. Objections were made to them by members of the Road Board and of the Assembly. The Governor did not at first accede to their objections; but, after a time, he put a stop to the works and called in the assistance of Sir A. Mackworth. The Governor is responsible for the application of the loan to the purposes for which it was raised, but the Secretary of State does not hold him responsible for engineering mistakes.

*MR. SEALE-HAYNE: Arising out of that answer, may I ask if the right hon. Gentleman is aware that on the 26th of June last, the Governor of the Colony used his casting vote for the purpose of overruling the opinion of the Legislative Assembly, with respect to the expenditure of a further sum of £10,000 upon these works, and whether, in his opinion, it is proper that the Governor should override the opinion of the elected Members of the Assembly on questions involving taxation?

BARON H. DE WORMS: I have received no information upon that point. The hon. Member had better put down a question.

MR. SEALE-HAYNE: I beg to ask the Under Secretary of State for the Colonies if he has received from the Roman Catholic Bishop of Roseau (Colony of Leeward Islands) a complaint touching the treatment of Roman Catholic patients by the Medical Officer of Institutions in the public poors house in Dominica; if he is aware of the fact that in 1888 the Legislative Assembly in Dominica passed a resolution calling upon the Governor of the Colony—

"To remove the Medical Officer of Public Institutions from the anomalous position of being Chairman of the Poor Law Board and Medical Officer to Public Institutions;"

and further, that since 1888 the Members of Assembly have several times asked the Governor to carry said resolution into effect; if he has received a copy of the inquiry by the Poor Law Board into the conduct of the medical officer, and of a resolution passed by the said Board on 21st March, 1890, praying the Secretary of State to put a stop to the practice of making the Medical Officer of Institutions an *ex officio* member of the Board; and if he will instruct the Governor of the Colony to remove the said medical officer from the Board of Management, and thus give effect to the resolutions of these two important Public Bodies?

BARON H. DE WORMS: The Secretary of State has received through the Governor of the Leeward Islands a complaint from the Roman Catholic Bishop of Roseau against the action of the Medical Officer of the Public Institutions with respect to a Roman Catholic inmate of the poor house; but after being furnished with the Governor's explanation of the circumstances, he saw no reason to blame the officer. In 1889 the Legislative Assembly of Dominica passed a resolution to the effect stated in the question, but the Secretary of State does not know whether the members of the Assembly have subsequently asked the Governor to carry it into effect. The Secretary of State has received a Report of an inquiry by the Poor Law Board, and a resolution recommending the repeal of the Statute under which the medical officer is *ex officio* a member of the Board. The Secretary of State has considered the question, but does not propose to instruct the Governor to give effect to these resolutions.

MR. SEXTON (Belfast, W.): If the Government disputes the accuracy of the Report, is there any objection to lay on the Table the Report of the Roman Catholic Bishop of Roseau?

BARON H. DE WORMS: I will communicate to the Poor Law Board the desire of the hon. Gentleman.

PRISON LABOUR—MAT MAKING.

MR. QUILTER (Suffolk, Sudbury): I beg to ask the Secretary of State for the Home Department whether he is in a position to state what is the daily average number of prisoners employed in mat making; how many of that number are working for the Prison Department; how many have their labour let out to the trade; and what proportion of the last-named are working on behalf of the firm of Goodacre & Company, of West Ham and Glemsford?

*THE UNDER SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. STUART WORTLEY, Sheffield, Hallam): The Secretary of State is informed by the Prison Commissioners that the daily average for the last year was 1,218, and that this number has since been reduced. Of these, as far as can be estimated, 288 were working for the Prison Department, and 930 had their labour let out to the trade. Of these latter 532 worked for Messrs. Goodacre.

*MR. QUILTER: Does not the hon. Gentleman think that 930 out of 1,218 is a very large proportion of prison labour to hire out in competition with free labour in a limited trade?

*MR. STUART WORTLEY: That is a matter for Debate.

CENSUS CLERKS.

SIR WALTER FOSTER (Derby, Ilkeston): I beg to ask the Secretary to the Treasury whether the census clerks, selected for employment under the Registrar General will "be chosen by open competition within suitable limits of age," as specially recommended by the Census Committee in its Report; and, if not, why not?

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): The arrangements for appointing census clerks are not yet concluded, but steps will be taken by examination to secure that none but efficient clerks are appointed. It will be necessary to make clear that the appointments are only temporary, and do not set up any right or title to the permanent Civil Service.

THE WOMEN'S UNION.

MR. WALTER M'LAREN (Cheshire, Crewe): I beg to ask the Secretary of State for the Home Department if he will explain why he refused to receive a deputation of women, mainly representing the Women's Union, who wished to lay before him certain complaints respecting the conduct of the police, who were stated to have behaved with great harshness to working women during their agitation for better wages; and whether he will re-consider his refusal and receive the deputation?

*MR. STUART WORTLEY: The Secretary of State in the exercise of his discretion did not consider then, and does not consider now, that any public advantage would be gained by his consenting to receive this deputation. Complaints as to assault should be addressed to the Courts of Law, and not to the Secretary of State, who has no power to determine whether or no assaults were committed on particular occasions. The allegations as to the harsh conduct of the police were duly referred to the Commissioner of Police, and his Report shows that every care was taken by the police to avoid rough usage, and that they in no way exceeded their duty.

TUBERCULOSIS IN CATTLE.

MR. LEES KNOWLES (Salford, W.): I beg to ask the President of the Local Government Board if he will state the names of the Commissioners to be appointed to inquire into the subject of tuberculosis in cattle, and the nature of their inquiry?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): The Commissioners are Lord Basing, Professor Brown, Dr. George Buchanan, Mr. Frank Payne, and Professor Burdon Sanderson. They are appointed

"To inquire and report what is the effect, if any, of food derived from tuberculous animals on human health, and, if prejudicial, what are the circumstances and conditions with regard to the tuberculosis in the animal which produce that effect upon man."

MR. SEXTON: May I ask why no person connected with Ireland has been appointed on the Commission?

*Mr. RITCHIE: The fact that Ireland might desire to be represented did not occur to me. The Commissioners chosen are men of great professional ability, in whom I am sure the three countries will have confidence.

Mr. SEXTON: If the Irish Members desire to have a representative, will the right hon. Gentleman consider the point?

*Mr. RITCHIE: I am afraid it is too late now, because the names have received the Royal Assent, and the Warrant has been made out. I will, however, inquire and let the hon. Member know the result.

THE GRENADIER GUARDS.

Mr. CUNINGHAME GRAHAM (Lanark, N.W.): I beg to ask the Secretary of State for War if he has yet considered the sentence on the men of the Grenadier Guards; if the men sentenced were old or young; if they will remain in England to undergo their sentence, or whether they will accompany the regiment to Bermuda; and if he will recommend the reduction of the sentence?

*Mr. E. STANHOPE: I have not considered the sentences. The men of the Grenadier Guards who have been convicted by Court Martial are aged 27 years and nine months, 26 years and two months, 28 years and one month, 25 years and seven months, 25 years and 10 months, and 29 years and six months. They will remain in England to undergo their imprisonment.

Mr. E. ROBERTSON (Dundee): May I ask on what principle the six men, and six men only, were selected for trial, and whether any punishment, except being sent abroad, is to be awarded to the other insubordinates? I will also ask whether the right hon. Gentleman will lay on the Table of the House a complete copy of the proceedings of the Court Martial?

*Mr. E. STANHOPE: My reply to the latter part of the hon. Gentleman's question is entirely in the negative. The reason why six men were selected for trial was that, according to the custom in such cases, the men tried were the senior soldiers in the respective companies.

Mr. SINCLAIR (Falkirk, &c.): May I ask whether the sending of the troops abroad is to be considered a punishment?

*Mr. E. STANHOPE: I can only, as I have already said, lay the facts before the House. The House must draw its own conclusions.

*Mr. BRADLAUGH (Northampton): I feel the difficulty of Parliamentary interference where discipline is concerned, but having been myself a private soldier I venture on an appeal. As the sentences passed on the convicted men were considered excessive, will the right hon. Gentleman, from the point of view of mercy, consider whether part of those sentences may not be remitted?

*Mr. E. STANHOPE: I have not yet had an opportunity of seeing a copy of the proceedings in question, or forming any opinion upon them, but I deprecate Parliamentary interference in such cases. Of course, I take full responsibility in the matter.

Mr. E. ROBERTSON: Is there any special reason why the Reports of these proceedings should not be laid on the Table, as is usual in such cases?

*Mr. E. STANHOPE: It is not usual to lay the proceedings of Courts of Inquiry on the Table.

Mr. E. ROBERTSON: This is not a Court of Inquiry, but a Court Martial; and I must press for a reply to the question.

*Mr. E. STANHOPE: I am afraid I must decline to lay the proceedings on the Table.

*Mr. CUNINGHAME GRAHAM (Lanark, N.W.): Will the right hon. Gentleman order an inquiry into the conduct of the officers?

Mr. CONYBEARE: Is there any precedent for sending a regiment abroad as a punishment for insubordination?

*Mr. E. STANHOPE: I have not pursued my historic inquiries far enough to be able to answer the question of the hon. Member.

An hon. Member: Has Colonel Maitland applied to be tried by Court Martial?

*Mr. E. STANHOPE: I have not heard so.

PRIZE FIGHTS AT THE PELICAN CLUB.

Mr. CUNINGHAME GRAHAM: I beg to ask the Secretary of State for the Home Department if any Reports have reached him as to alleged prize fights having taken place at the Pelican Club

and other places; if the fact of the men wearing a small hand glove places them beyond the restrictions of the law; if he is aware that at a recent exhibition of this nature at the Pelican Club one man was seriously hurt; and if in future the police will be instructed to stop all prize fights, whether with or without gloves?

MR. STUART WORTLEY: The Secretary of State has received representations on the subject of glove fights. In the opinion of the Secretary of State the wearing of a small glove does not by itself affect the character of a contest which may, or may not, be illegal by virtue of the attendant circumstances, and irrespectively of the fact whether gloves are worn or not. I have no information as to a man having been recently hurt at the Pelican Club. The Secretary of State is advised that exhibitions of skill in boxing, as distinguished from prize fights, are not in themselves illegal. It would be impossible, therefore, to give any such general instructions to the police as are suggested.

*MR. CUNINGHAME GRAHAM: If information reached the police that one of the combatants had been severely punished, would it not be within the province of the police to interfere, or is the fact that gloves are used, although a man may be knocked senseless, to debar the interference of the police?

MR. STUART WORTLEY: I have no doubt that every case would be considered on its merits.

OVERLOADING OF CATTLE SHIPS.

MR. CUNINGHAME GRAHAM: I beg to ask the President of the Board of Trade if his attention has been called to several instances of alleged overloading of cattle ships from New York to Liverpool; if the death-rate among the cattle is very high on these passages; and if reports of great cruelties to cattle on board these ships have reached him?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): I fear the death-rate in some of these cases has been extremely high, but I have no information that would justify a charge of cruelty. I have directed inquiries to be made on the whole subject.

NEWFOUNDLAND.

MR. E. ROBERTSON (Dundee): I beg to ask the Under Secretary of State for Foreign Affairs whether he can confirm the report that Sir Baldwin Walker has paid the damages claimed by Mr. Baird for illegal seizure of his lobster factory on the coast of Newfoundland; and whether, as the litigation is apparently now ended, he will now state under what law of the Imperial Parliament, or the Newfoundland Legislation, or in virtue of what prerogative of the Crown, the instructions to commanding officers were issued by Her Majesty's Government?

*THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): I know nothing more than the telegrams in the newspapers; and as I am not in a position to confirm the report, I must refrain from answering the second part of the question.

THE LOCAL TAXATION BILL.

MR. BARBOUR (Paisley): I beg to ask the Chancellor of the Exchequer if the £40,000 he purposes to give to Scotland is to be divided proportionately between the Burgh and County Councils or given to County Councils only; if to County Councils only, can he state on what principle this decision has been arrived at?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): The sum in question, which amounts to £50,000, and not to £40,000, as stated by the hon. Member, will be divided proportionately between Burgh and County Councils.

RATE OF EXCHANGE IN INDIA.

MR. KING (Hull, Central): I beg to ask the Under Secretary of State for India whether, in view of the fact that since March last, when the official rate of exchange between the Indian and Imperial Governments was fixed at 1s. 5d. to the rupee, the rupee has risen in value to over 1s. 7d., whereas the Indian Government is, to its great profit, now paying its servants their family remittances, furlough, and pensions at 1s. 5d., the Secretary of State will now arrange, since it is practically certain that the rupee will not fall in value

during the current financial year, to give the benefit of the rise in exchange to its servants by settling with them at the current rate?

SIR ROPER LETHBRIDGE (Kensington, N.): Before the right hon. Gentleman replies to the question, I wish to ask a further question on the same subject, of which I have given him private notice. I wish to know whether he is aware that more than one-half of the Indian Uncovenanted Civil servants pensioned in England receive pensions of less than £200 a year; and is he aware that a nominal pension of £200 a year is reduced by the loss of the exchange to about £135, although the Government get about £160 for the same sum at the current rate?

*THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): In reply to the question of the hon. Member for Hull (Mr. King), I have to say that the Secretary of State cannot alter the official rate of exchange after it has been once fixed. It is applied to very large transactions, amounting nearly to £1,000,000. In reply to the hon. Member for North Kensington (Sir Roper Lethbridge), I have no doubt that the figures he gives are correct, but such considerations cannot affect the current rate.

*MR. KING: Is it not the fact that since the official rate was fixed a Silver Bill has been passed in America, which practically ensures what I state in my question, that the rupee will not fall in value during the current financial year?

*SIR J. GORST: I am sorry to state that the Secretary has no information of what passes in the United States.

MR. MAC NEILL (Donegal, S.): If I put a Motion on the Paper for a Return of the amount of profit which the Government make under this head, will the right hon. Gentleman oppose it?

*SIR J. GORST: I must have notice of that question.

MR. MAC NEILL: Then I will repeat it to-morrow.

THE INDIAN BUDGET.

MR. BRADLAUGH (Northampton): I beg to ask the Under Secretary of State for India when the Paper which he last year described as an explanatory Memorandum on the Indian Financial Statement will be circulated; and if he can say on what date the Indian Budget Statement will be made?

*SIR J. GORST: The Paper to which the hon. Gentleman refers will be circulated a few days before the Indian Budget was taken. In regard to the last paragraph of the question of the hon Member, I have to say that I can neither foretell nor fix the day upon which it will be for the convenience of the House to discuss the Indian Finances.

*MR. BRADLAUGH: Perhaps the right hon. Gentleman will remember that last year he gave us two months to consider this Paper.

*SIR J. GORST: The hon. Gentleman is in error. I did not give two months to consider the Paper. I circulated the Paper when I thought the Indian Budget was coming on, but the House postponed the consideration of it.

MR. CONYBEARE (Cornwall, Camborne): May I ask the First Lord of the Treasury if he can give the House any information as to the day upon which the Indian Budget is likely to be taken?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): I am afraid that further progress must be made with the Bills now before the House and with Supply before the Indian Budget can be taken.

THE AMIR OF AFGHANISTAN.

MR. BRADLAUGH: I beg to ask the Under Secretary of State for India whether any and what communication has been recently addressed by the Viceroy of India to the Amir of Afghanistan relating to the treatment of some of the Amir's subjects; if he can state what reply has been received from the Amir; and whether he will lay Papers upon the Table?

*SIR J. GORST: Yes, Sir; certain communications have taken place, but it would not be to the public interest to produce them.

THE SHIRÉ DISTRICT.

MR. BUCHANAN (Edinburgh, W.): I beg to ask the Under Secretary of State for Foreign Affairs whether he can assure the House that Her Majesty's Government will not accept any arrangement with the Government of Portugal by which the British Settlements in the Shiré district and the Shiré Highlands are placed under Portuguese rule?

*SIR J. FERGUSSON: No such proposal has been at any time entertained by Her Majesty's Government.

ARMENIA.

MR. SCHWANN (Manchester, N.): I beg to ask the Under Secretary of State for Foreign Affairs whether his attention has been drawn to the report in the *Daily News* of 19th July, that General Hassan Hairi Pasha has been appointed Governor of Erzeroum and General Osman Nowie Pasha Governor of Van, in the places of Samih Pasha and Halied Bey dismissed; whether he knows anything as to the previous history and character of the two former; and whether it is true, as reported in the *Daily News* of the 21st instant, that

"Osman Ghazi Pasha has been appointed to command in Armenia to carry out a policy of wholesale persecution and suppression in Armenia"

which is said to have been decided upon by the Porte?

*SIR J. FERGUSSON: We have no official knowledge of these appointments.

MR. LEVESON GOWER (Stoke-upon-Trent): I beg to ask the First Lord of the Treasury whether Her Majesty's Government have reason to believe that it is the present intention of the Porte shortly to proclaim a state of Martial Law in Armenia; whether such a proclamation would be in distinct violation of the undertaking of the Turkish Government in the Anglo-Turkish Convention of 1878, to introduce reforms into the administration of that country; and whether, in the event of such a proclamation being issued, Her Majesty's Government will notify to the Porte that they hold themselves fully absolved from all obligations imposed upon England by this Convention?

*MR. W. H. SMITH: The Under Secretary of State for Foreign Affairs will answer the question.

*SIR J. FERGUSSON: We have received no information of any such intention on the part of the Porte, and it is, therefore, unnecessary that I should reply to the hypothetical questions suggested by the hon. Member.

CYPRUS.

MR. E. ROBERTSON: I beg to ask the Under Secretary of State for the Colonies if he can explain what were the grounds for the opposition of the official members of the Legislative Council of Cyprus to a Bill, brought forward by Mr. Pascal Constantinides, having for its object the formation of an Agricultural Bank in Cyprus, which was one of the foremost remedial measures urged by the Cypriot Deputation that waited on the Colonial Office in the autumn of 1889, and which was recently passed by the majority of the members, seeing that repeated promises have been made by the Colonial Office to attain that object; whether the Colonial Office intend, in the case of the Bill in question, to allow the views of the elected representatives of the people to be carried out; whether in view of the fact that recommendations adopted by the representative section of the Legislative Council have been frequently disregarded, it is proposed to take any steps to give better effect to the wishes of the majority; whether any and what action has been taken to mitigate the heavy pressure of taxation obtaining in Cyprus, and which was also a matter of urgent appeal in the Memorial submitted by the Deputation referred to; and whether it is true that Her Majesty's Government have refused appreciably to curtail the expenditure of which complaint was also made?

BARON H. DE WORMS: The answer to the first and second paragraphs of the hon. Member's question is that the High Commissioner has not yet reported officially as to the introduction of this Bill, or the proceedings which took place upon it. It is not the case that the Colonial Office has made repeated promises to attain the object of establishing an agricultural bank. All the promises which the Secretary of State has made upon the subject have been conditional on a practicable scheme being brought before him. The third paragraph of the hon. Member's question contains such controversial assumptions that it is impossible to give it an answer. If he will refer to the Colonial Office Letter, to the Cyprus Deputation of the 4th of August, 1889, at page 10 of the Blue Book C 6003, he will see that those assumptions are not admitted to be accurate by the Secretary of State. As regards the views of Her Majesty's Government on the question whether the taxation is oppressive, and whether

both the taxation and expenditure can, and ought to be reduced, I would refer the hon. Member to the views of Her Majesty's Government as expressed in the Secretary of State's Despatch of the 22nd of March on pages 33 and 34 of the Blue Book C 4003, to which I have nothing to add.

BRAZIL.

MR. P. STANHOPE (Wednesbury): I beg to ask the Under Secretary of State for Foreign Affairs whether the attention of Her Majesty's Government has been called to the action of the Provisional Government of Brazil, in arbitrarily confiscating concessions granted to British Railway Companies in that country; and whether Her Majesty's Government will take steps to point out to the Brazilian Government the serious injury thereby inflicted upon its credit?

*SIR J. FERGUSSON: The attention of Her Majesty's Government has been called to the action of the Provisional Government of Brazil in cancelling two concessions granted to a British Railway Company in that country, on the ground that the company had failed to fulfil the conditions of the contract. The company state in their defence that this failure is due to circumstances beyond their control. Her Majesty's Minister has been instructed to make friendly representations on the subject, as it is believed that the action of the Provisional Government was founded on erroneous information as to the proceedings of the company.

RAILWAY RATES.

COLONEL BLUNDELL (Lancashire S.W., Ince): I beg to ask the President of the Board of Trade when the Report of the Board of Trade inquiry into Railway Rates, of which Lord Balfour of Burleigh was President, will be issued, as the Midland, London and North-Western, Great Western, and North Staffordshire Railway Companies have announced an increase of 9d. per ton upon coal and coke to Hastings and St. Leonards, such increase to take effect from 1st August?

*SIR M. HICKS BEACH: I do not see the precise connection between the first and second parts of my hon. Friend's question. As provided by the Railway and Canal Traffic Act, 1888, a Report will be presented to Parliament when it is seen whether the companies do or do not come to an agreement with the Board of Trade on the maximum rates proposed.

MORTALITY AMONG CORNISH MINERS.

MR. CONYBEARE (Cornwall, Camborne): I beg to ask the Secretary of State for the Home Department when Mr. Pinching, the Inspector of Mines in Cornwall, was instructed by the Government to inquire into the excessive rate of mortality among the miners of Cornwall; whether he can state what steps Mr. Pinching took to acquaint himself with the facts as to the prevalence of the disease, its causes, its results, and the best remedies; whether he has received from Mr. Pinching any evidence upon the subject, or any written Report in addition to the opinion telegraphed on the 14th instant; whether he is aware that no notice whatever of any such intended inquiry was given in the county and among those principally interested in the subject, namely, the miners themselves, and that, consequently, no evidence on the part of the miners can possibly have been placed before the Inspector; and whether, as no inquiry will be satisfactory or command the confidence of the mining population which is not thorough and public, he will cause such an inquiry to be held in the locality?

*MR. STUART WORTLEY: The hon. Member seems to be under some misapprehension as to what has taken place. No special inquiry has been ordered, or is being held. In the ordinary course, the question of the hon. Member, when it first appeared on the Paper, was referred to the Inspector for his Report and observations. It may be assumed that the Inspector had made himself acquainted, in the ordinary discharge of his duties, with the necessary facts, without taking special steps to investigate a matter which had for many years past been engaging the attention of the Department, and which was specially reported upon in 1888, with a view to the amendment of the existing law. The Inspector's written Report has not yet been received. The Government are already in possession of what information they require to enable them to deal with the question of improving the conditions

of work in Cornish and other metalliferous mines, so far as they can be improved by legislation, and a further inquiry of the nature suggested by the hon. Member does not seem to be necessary.

MR. CONYBEARE: Is it the fact that the Home Office have received a telegraphic opinion, from Mr. Pinching, and do they intend to act upon that telegraphic opinion?

*MR. STUART WORTLEY: The Bill has been drafted which is to deal with the question.

MR. CONYBEARE: Will the Bill be introduced this Session, so that the Representatives of the miners may have an opportunity of considering it before the Winter Session?

*MR. STUART WORTLEY: I am unable to say.

MR. CONYBEARE: Do the Government share the opinion of Mr. Pinching that everything that is necessary is done for the miners, and that they are in no danger?

*MR. STUART WORTLEY: That is a matter of opinion upon which the hon. Gentleman will be able to form his own judgment when he sees the Bill.

CUSTOMS HOUSE MESSENGERS.

MR. J. R. KELLY (Camberwell, N.): I beg to ask the Secretary to the Treasury whether any Memorial has been recently received by the Treasury from the messengers at the Custom House praying for the redress of certain grievances; and whether, if so, he will state when a reply to it may be expected; whether the Commissioners of Her Majesty's Customs have recently decided to fill only each alternate vacancy to the first-class messengerships, and whether he will state the reason for which two vacancies in such class have remained unfilled; and whether, in view of the fact that the whole of the second-class messengers entered the service under the conditions set forth in the Treasury Minute of 1st April, 1873, giving them the right of rising to the maximum of £90 per annum, he will take the necessary steps for the carrying out of such Treasury Minute?

MR. JACKSON: A Memorial from the Customs Messengers was received on the 16th inst., and is now under the consideration of the Treasury. It will be answered in due course; but, pending the answer, I am not in a position to answer other questions.

CIVIL SERVICE WRITERS.

MR. J. R. KELLY: I beg to ask the Secretary to the Treasury whether Civil Service writers who may be recommended by the heads of their Departments for appointments as statistical abstractors, but who previously to becoming writers may have been clerks in Government offices and have commuted their pensions, would be ineligible for such appointments under the provisions of the Superannuation Acts or otherwise?

MR. JACKSON: I do not know who the officers are described by the hon. Member as statistical abstractors, and I, therefore, can give no reply as to the particular instance which he cites. The Superannuation Act requires the Government to recall pensioners to the Service when practicable. That and the Commutation Act prescribe the reductions to be made in receipts of pensioned men re-appointed to the Public Service, whether they are drawing or whether they have commuted their pensions.

QUINQUENNIAL VALUATION OF THE METROPOLIS.

MR. J. R. KELLY: I beg to ask the Chancellor of the Exchequer whether his attention has been called to the great difficulty which has been experienced in obtaining proper information for the purposes of the Quinquennial Valuation for the Metropolis, more especially with reference to the value of tenement houses, of which the weekly rentals have in the first instance been given in but very few cases; and whether, with a view of obviating such difficulty in the future, he will consider the question of the desirability of so altering the forms (9 B) as to include a question specially applicable to tenement houses, and also a notice to the owners of such houses that they are required to state the full weekly rentals received by them?

MR. GOSCHEN: I am informed by the Inland Revenue Department that they have not heard of any such difficulty as that referred to by the hon. Member. All the Returns for the valuation now being made for the current year have already been received and laid before the Assessment Committees for the purpose

of hearing objections. The question of altering the form of the notice for return in the manner suggested by the hon. Member will be considered before the next Quinquennial Valuation.

MACEDONIA.

MR. BRYCE (Aberdeen, S.): I beg to ask the Under Secretary of State for Foreign Affairs whether the attention of the Foreign Office has been called to a letter which appeared in the *Times* of Saturday last, describing in detail the deplorable condition of anarchy which prevails in North-Western Macedonia, the frequent acts of robbery and murder perpetrated on the Christian population there by Albanians and other Mussulman tribes, and the virtual connivance of the Turkish Authorities in these outrages; whether he can now give the House any information as to the massacre of Christian refugees near Kossovo, regarding which he was questioned three weeks ago, and an account of which appeared a month ago in a semi-official journal at Vienna as well as in other German newspapers; and whether Her Majesty's Government intend to take any steps to inform themselves regarding the condition of this part of European Turkey, where elements of disorder exist which seriously threaten the peace of the East?

*SIR J. FERGUSSON: The Reports from Her Majesty's Consular Officers tend to show that there is considerable agitation and insecurity to life on the Turco-Servian frontier, and in North Albania. Troops have been sent to the disturbed districts to restore order. With regard to the alleged massacre of Christians at Kossovo, the Porte knows nothing of it, but promises to make inquiries. The truth seems difficult to arrive at. The Vice Consul at Scutari has been requested to make further inquiries.

MALTA.

MR. T. M. HEALY: I beg to ask the Under Secretary of State for Foreign Affairs with reference to the following passages respecting the Maltese clergy, which occur in a Despatch from Sir Lintorn Simmons to Lord Salisbury, dated 12th December, 1889, describing his interview with the Papal Secretary of State:—

> "The Carninal seemed surprised at the state of ignorance of the priesthood, and expressed an opinion that measures must be taken to improve their education,"

and to the following, which occurs in the Despatch of 23rd December:—

> "In discussing the subject of the education in the English language of those who will officiate as clergy in Malta, and of their instruction as to the condition under which the island is governed, I informed Cardinal Rampolla, generally, of the sadly ignorant state of the priesthood in the island;"

whether Sir Lintorn Simmons has been requested to give the grounds for these statements reflecting on the education of the Catholic priesthood; and whether the letter, dated 20th June, from Cardinal Rampolla to Monsignor Pace, Bishop of Malta, in which the following passage occurs:—

> "His Holiness is well satisfied at receiving the information which you furnish relative to the education of your clergy,"

has been communicated to Sir Lintorn Simmons or Her Majesty's Government?

*SIR J. FERGUSSON: I understand that Sir Lintorn Simmons's statement was founded on the Report of the Director of Education, an extract from which had been placed in the hands of Cardinal Rampolla. Cardinal Rampolla's letter to Monsignor Pace has not been communicated either to the Foreign Office or Colonial Office.

MR. T. M. HEALY: Will any apology be sent to the Maltese priesthood for this accusation of ignorance brought against them?

*SIR J. FERGUSSON: I have already referred the hon. Member to the authority for the statement of the special Ambassador.

Subsequently,

MR. T. M. HEALY: I am very reluctant to forestall a discussion by moving the adjournment in consequence of the very curt answer of the right hon. Baronet the Under Secretary for Foreign Affairs. If the right hon. Gentleman can assure the House that some endeavour will be made to rectify the matter by making an attempt to procure the letter of Rampolla, I will certainly defer the Motion. I would suggest that the Cardinal's letter ought to be obtained by the Government.

*MR. W. H. SMITH: I am sure it would be very far, indeed, from the wishes of Her Majesty's Government to

cast any reflection upon any section of Her Majesty's subjects, and I will endeavour to get information upon the subject by next Thursday.

MR. SUMMERS (Huddersfield): I beg to ask the First Lord of the Treasury whether he is aware that Section 29 of the Letters Patent of the Constitution of Malta (12th December 1887) provides that

"All votes of public money shall, if challenged, be determined by a majority of the votes of the elected members present, and the votes of the official members shall not be recorded on such questions;"

and whether, in view of the fact that a majority of the elected members of the Council of Government in Malta is opposed to the payment of the expenses connected with the Mission of Sir Lintorn Simmons to the Vatican out of the revenues of Malta, he will consent to place upon the Estimates a Vote for the Mission in question?

*MR. W. H. SMITH: The hon. Member is correct in his statement as to Section 29 of the Letters Patent. It will not be necessary to place a Vote upon the Estimates; for if the hon. Member will refer to Section 39 of the Letters Patent and the Schedule, he will see that £1,000 a year is at the disposal of the Government for special services under the title "Civil Contingencies."

IRISH CIVIL DEPARTMENTS—THE SEVEN HOURS SYSTEM.

MR. T. M. HEALY (Longford, N.): I beg to ask the Secretary to the Treasury whether the seven hours system, recommended by the recent Royal Commission, is being applied in Dublin offices; and, if so, whether it would be a ready and economical method of supplying the deficiency in the staff of the Registry of Deeds, and whether it would permit of the daily work being ready for public inspection on the following morning?

MR. JACKSON: The Government is in favour of the extension of the seven hours system to the Civil Departments in Dublin wherever practicable and economical. It is already in force in the following Departments:—Chief Secretary's Office, Prisons Office, Fisheries Office, Local Government Board, Office of Works, and Registrar General's Office. It has been sanctioned for the Registry of Deeds, and will, no doubt, facilitate and hasten the process of registration.

THE NATIONAL LEAGUE.

COLONEL SAUNDERSON (Armagh, N.): I beg to ask the Attorney General for Ireland whether he is aware that, at the Glin Branch of the National League, the following resolution was proposed and passed unanimously, on Sunday, 29th June:—

"That the branch condemns the continued arbitrary action of the Knight of Glin in again refusing the offer of a fair rent from Mr. John G. Fitzgerald, one of his oldest and most respectable tenants, and hopes, even now, he will see the folly of carrying out another death sentence on his property;"

and whether, a week afterwards, certain horses were killed and barbarously mutilated on this evicted farm of the Knight of Glin?

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): According to a report in the *Limerick Leader*, it is the case that a resolution was unanimously passed at a meeting of the Glin Branch of the National League in the terms stated in the question. I am informed that on the morning of July 8 a colt was found killed, and two other colts stabbed in several places, apparently with a hay-fork, on the farm of the Knight of Glin, from which a man of the name of Hayns had been evicted in 1882.

CHARGE AGAINST IRISH CONSTABLES.

MR. ROCHE (Galway, E.): I beg to ask the Attorney General for Ireland whether the Government intend to pay the expense of defending the constables against whom Mr. Fahy and Morrissey obtained decrees for £5 and £2 at last Quarter Sessions held at Gort for false arrest; also the cost of appeal which was heard before Judge O'Brien at Galway Assizes, he confirming the County Court Judge's decree, with costs; and whether he will state what course he will adopt in reference to the conduct of the constables?

MR. MADDEN: I must ask the hon. Gentleman to postpone the question. I have not received the information that will enable me to answer it.

MR. SEXTON: As the Chief Secretary is in his place, I will ask him if he

is aware that the appeal has been dismissed. The fact is, that two constables arrested these two men, dragged them through the streets, kept them all night in custody, and then brought them before the Magistrates, who dismissed the case. An appeal against the decision of the County Court Judge's decree has now been dismissed by the Judge of Assize, and, as these men have acted on the advice of the right hon. Gentleman and brought their case before a legal tribunal, I wish to know what steps he proposes to take in the matter?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I will telegraph for information.

PUBLIC BUSINESS.

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I wish to inquire of the right hon. Gentleman whether the Heligoland Bill will be taken on Thursday, and also whether he is now able to indicate the time, to which my hon. Friend behind me refers, when the Foreign Vote may be taken, and when the various questions connected with the island of Malta may be considered?

*MR. W. H. SMITH: The Government propose that the Heligoland Bill shall be taken on Thursday. I am not able to say when it will be possible to put the Foreign Office Vote on the Paper, but I hope it will be in the course of next week.

*MR. J. LOWTHER (Kent, Isle of Thanet): Will the Heligoland Bill be the first Order?

*MR. W. H. SMITH: Yes.

MR. W. E. GLADSTONE: I would remind the right hon. Gentleman that there is a strong feeling, at all events on this side of the House, that the matter requires early attention.

*MR. W. H. SMITH: I assure the right hon. Gentleman that it is the desire of the Government to consult the convenience of hon. Members as much as possible; but the right hon. Gentleman is very well aware that there is a great pressure on the Government.

MR. BUCHANAN: Will it be possible to discuss the whole question of the Anglo-German Agreement on the Heligoland Bill?

*MR. W. H. SMITH was understood to say that the Speaker would decide that question.

MR. BUCHANAN: The Government will make no objection?

*MR. W. H. SMITH: No, Sir.

MR. H. KNATCHBULL-HUGESSEN (Kent, Faversham): When will the Naval Estimates be completed?

*MR. W. H. SMITH: I am not able to state when they will be completed.

RAILWAY RATES.

In reply to MR. TOMLINSON (Preston),

*SIR M. HICKS BEACH said: The Board of Trade do not propose at present to issue any further Papers in reference to railway rates.

MR. TOMLINSON: Where can the Papers be got?

*SIR M. HICKS BEACH: At the Stationery Office.

INTESTATES ESTATES BILL.—(No. 59.)

Lords Amendment to be considered forthwith; considered, and agreed to.

COUNTY COURTS (PLAINTS).

Address for—

"Returns, from every County Court in England and Wales, of the Total Number of Plaints, &c., entered in each Court, from the 1st day of January to the 31st day of December 1889, both days inclusive, distinguishing those not exceeding £20, those above £20 and not exceeding £50, and those by agreement over £50;"

"And, of the Sittings of the County Courts in England and Wales holden before the Judges of such Courts in the year 1889 (in continuation of Parliamentary Paper, No. 303, of Session 1889)."—(*Sir George Russell.*)

BOARDS OF GUARDIANS (PERSONS IN RECEIPT OF RELIEF).

Return ordered—

"Showing in respect of each Union and Parish under a separate Board of Guardians in England and Wales, the number of persons of each sex in receipt from Boards of Guardians (a) of in-door relief or (b) of out-door relief on the 1st day of August 1890, who were over 60 years of age, distinguishing those who were over 60 and under 65, 65 and under 70, 70 and under 75, 75 and under 80, and 80 years of age and upwards; lunatics in asylums, licensed houses, and registered hospitals; vagrants and persons who were only in receipt of relief constructively by reason of relief being given to wives or children not being included."—(*Mr. Burt.*)

BRITISH AND FOREIGN SPIRITS.

Report from the Select Committee, with Minutes of Evidence, brought up and read [Inquiry not completed].

Report to lie upon the Table, and to be printed. [No. 316.]

POLICE BILL.—(No. 338.)

Reported from the Standing Committee on Law, &c.

Report to lie upon the Table, and to be printed. [No. 317.]

Minutes of Proceedings to be printed. [No. 317.]

Bill, as amended by the Standing Committee, to be taken into consideration upon Friday, and to be printed. [Bill 392.]

ANGLO-GERMAN AGREEMENT BILL [LORDS].

Read the first time; to be read a second time upon Thursday, and to be printed. [Bill 393.]

MESSAGE FROM THE LORDS.

That they have agreed to,—Amendment to Amendment to Registration of Voters (Borough of Belfast) Bill, without Amendment.

MOTIONS.

PUBLIC HEALTH (SCOTLAND) ACT (1867) AMENDMENT (NO. 2) BILL.

On Motion of Sir John Kinloch, Bill to amend "The Public Health (Scotland) Act, 1867," in relation to rating in special drainage and water supply districts, ordered to be brought in by Sir John Kinloch, Mr. Shiress Will, and Mr. Thorburn.

Bill presented, and read first time. [Bill 394.]

FOOTPATHS AND MAIN ROADS BILL.

On Motion of Sir John Dorington, Bill to amend the Law relating to Footpaths and Main Roads, ordered to be brought in by Sir John Dorington, Sir Richard Paget, Mr. Charles Acland, Mr. Hobhouse, and Mr. Wharton.

Bill presented, and read first time. [Bill 395.]

ORDERS OF THE DAY.

CENSUS [EXPENSES].

Considered in Committee.

(In the Committee.)

(4.10.) Motion made, and Question proposed,

"That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of all expenses that may be incurred for the purposes of the Census under any Acts of the present Session for taking the Census of England and Wales, Scotland and Ireland."

MR. SEXTON: I presume that the Treasury have arrived at an estimate of the expenditure. I should, therefore, like to know what will be the proportion for each of the three Kingdoms.

(4.11.) MR. JACKSON: I am afraid that I cannot give the information without notice. I am not sure whether an estimate has yet been made of the full cost. The amount likely to be required in the course of the present year has at present only been estimated.

MR. SEXTON: I will put a question down for Thursday.

Question put, and agreed to.

Resolution to be reported To-morrow.

(4.14.) PUBLIC WORKS LOANS [REMISSION].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the remission of a loan, made by the Commissioners of Public Works in Ireland in respect of Killeany Pier, in pursuance of any Act of the present Session relating to Local Loans.

Resolution to be reported To-morrow.

CENSUS (ENGLAND AND WALES) BILL (No. 385.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1.

MR. ATKINSON (Boston): Will the persons enumerated have an opportunity of declaring their religion under the head "Protestant," or "Catholic?"

THE CHAIRMAN: That question can be raised on Clause 5.

Clauses 1 to 4 inclusive, agreed to.

(4.16.) Clause 5.

*Mr. W. A. MACDONALD (Queen's Co., Ossory): I beg to move, in page 2, line 11, after "age," to insert "capacity to read and write." I think the Amendment is one of very great importance. If it is necessary to ask the age and sex of the population, I think it is far more necessary and expedient that the state of their education should be ascertained. There is no acquisition more important than the power to read and write, and I do not think it will be said that it can be difficult to obtain the information.

Amendment proposed, in Clause 5, page 2, line 11, after the word "age," to insert the words "capacity to read and write."—(*Mr. W. A. Macdonald.*)

Question proposed, "That those words be there inserted."

*(4.18.) The PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. Ritchie, Tower Hamlets, St. George's): It might be interesting if we were able to get a Return of those in this country who are unable to read or write.

*Mr. W. A. MACDONALD: Who are able.

*Mr. RITCHIE: It is the same thing.

*Mr. W. A. MACDONALD: With deference, I submit that it is not.

*Mr. RITCHIE: I will not enter into a dispute with the hon. Member. I am afraid that no person would be willing to return himself as incapable of reading and writing, and as the information would undoubtedly be inaccurate it is not desirable to endeavour to obtain it.

*(4.20.) Mr. W. A. MACDONALD: I do not think the argument of the right hon Gentleman should have any weight at all. At the present moment you ask for a person's age, and there can be no doubt that many inaccurate Returns are made as to ladies' ages. In many instances false Returns are made, but, nevertheless, the information is asked for. I do not see that there ought to be the least difficulty in getting a satisfactory answer to such a simple question as whether a person can read or write.

(4.22.) Mr. CONYBEARE (Cornwall, Camborne): The suggestion of the hon. Member is one that is worthy of consideration, and I think there are other inquiries that would be exceedingly useful, in order that we might obtain some idea of the condition of the population. In foreign countries, especially in the colonies and in America, the Census Returns are much fuller than those of this country. It is, therefore, of importance that the Government should see their way to extending the scope of this clause.

*(4.25.) Mr. RITCHIE: We are quite willing to learn everything we can from the experience of foreign countries, but I must point out that the methods by which the Returns are checked in foreign countries are such as it would be impossible to adopt here. It is perfectly clear that the Return asked for would be altogether unreliable, and, therefore, it is not desirable to enforce it. As to the age, no Return would be of any value unless the age was given.

*(4.27.) Mr. BRYCE (Aberdeen, S.): The right hon. Gentleman opposes the Amendment on the ground that the information, because people would be unwilling to render it, and resent its being asked for, would, when procured, be unreliable and misleading. Now, there are no countries in the world where the people would more strongly resist any attempt to force information from them at the point of the sword than America and the British colonies, and there could be no difficulty experienced here that would not be experienced there. Nevertheless, this information is asked for and is supplied in the United States, and in some colonies, and I submit that in this country it would, if obtained, be of more value and utility than many of the Returns which are actually made.

*(4.29.) Mr. RITCHIE: The hon. Gentleman must not forget that the whole matter has already been inquired into by a strong Committee; but they did not recommend that this information should be obtained.

Question put, and negatived.

(4.30.) Mr. HOWARD VINCENT (Sheffield, Central): I beg to move, in page 2, line 5, after "age," to insert "nationality of father." The Committee reported in favour of an improvement in the means of ascertaining the number of foreigners here. I think it is exceedingly desirable that we should possess some better *data*, and the best means of ascertaining the number would be if the nationality of the father were given

Amendment proposed, in page 2, line 5, after the word "age," to insert the words "nationality of father."—(*Mr. Howard Vincent.*)

Question proposed, "That those words be there inserted."

*(4.31.) MR. RITCHIE: My hon. Friend is mistaken if he thinks that the nationality of the father would be of any real practical value. It will be sufficient to know where the individual is born and whether or not he is a British subject.

*(4.32.) MR. BRADLAUGH (Northampton): I speak only from memory, but I believe that no one in the Committee but the hon. Member himself was desirous that the nationality of the father should be given. There certainly is nothing in the Report of the Committee to justify the Amendment of the hon. and gallant Member.

Question put, and negatived.

(4.34.) BARON DIMSDALE (Herts, Hitchin): I beg to propose, after the word "age," to insert "and religion." In moving this, I wish to remind hon. Members that this was one of the questions into which the Committee inquired, and on which they took evidence, but as to which they pronounced no definite opinion. I have now endeavoured to raise the question in a way most likely to commend itself to the attention of the Committee. The two Amendments of which I have given notice have been taken bodily from the Irish Census Bill. In these days, when the great question of the day is union or separation, it is not desirable to have different laws for the two countries. I cannot conceive anything which would tend more to the repeal of the Union. Here it is proposed to have one law for England and another for Ireland. The hon. Member for East Mayo on the Second Reading said that he did not know any Irish Roman Catholic who would not be glad to make a declaration of his religion, and from what I know of Irish Protestants the same remark applies to them. But I know that objection is entertained to the proposal by the Nonconformists, who do not like being what they call ticketed. By a subsequent Amendment I intend to provide that nobody shall be subject to penalties for refusing to state his religious profession. It is very remarkable that the leading Members of Administrations, whether Liberal or Conservative, have always been in favour of this proposal, and they have yielded only in deference to the opinion of Nonconformists. One reason why this census is wanted is on account of the important effect it would have in any discussion on disestablishment. A respected clergyman in my own neighbourhood the other day said the Government had not done much for the Church this Session, for they had not given them a Tithe Bill, nor had they consented to a religious census. It is evident there is a strong feeling among the clergy in favour of this census.

Amendment proposed, in page 2, line 11, after the word "age," to insert the word "religion."—(*Baron Dimsdale.*)

Question proposed, "That the word 'religion' be there inserted."

(4.42.) MR. H. J. ATKINSON (Boston): I am not aware where the hon. Member has obtained his information as to the wishes of Nonconformists in this matter. I have sat on Conferences and Committees of Nonconformists for the last 35 years, and I never heard any of them object to being "ticketed." Personally, I have no objection to being ticketed myself, for either my political or my religious opinions. I have good grounds for holding them, and I am quite prepared to stand up and give my reasons for those opinions. I hope my hon. Friend will disabuse his mind altogether of that idea. The Amendment includes one which I was going to move, but I am willing to accept the larger proposal. I hope my right hon. Friend the President of the Local Government Board will be merciful, and give us what we ask; if not, I will appeal to the right hon. Member for Mid Lothian, in whose society I should be most happy to find myself so far as this question is concerned. It is said that the right hon. Gentleman the Member for Mid Lothian in a certain publication advised how the names of those should be arranged who had gone over from the Church of England to the Church of Rome. They were people of position. I hope the right hon. Gentleman has interest enough in the rank and file to give his support to this proposal. I am aware that it would be a shock to some right hon.

Gentlemen opposite to have their opinions on political or religious subjects recorded at stated intervals, because so many changes would have to be registered. I do plead that the number of Roman Catholics and Protestants, at all events, shall be given. As to whether the number of members of the Church of England, and the number of Dissenters and Nonconformists, should also be given I do not very much care; but if the numbers are given hon. Members opposite must clearly understand that there is a difference between a Dissenter and a Nonconformist. It will not do to mix up Dissenters with Nonconformists. I cannot agree with my hon. Friend the Baron that the census should show how many of the people are members of the Church of England and how many are Nonconformists, because by law every man who has no religion belongs to the Church of England. Put it in this way. Suppose that a man dies, declaring himself to be neither a member of the Church of England, nor a Nonconformist, nor a Dissenter, his relatives would call in a Church of England clergyman to bury him, and the man would be treated as a member of the Church of England. I do not desire to know how many people are members of the Church of England, and how many are Wesleyan Methodists. If my hon. Friend's Amendment is defeated I suppose I shall be in order in moving mine?

THE CHAIRMAN: No.

MR. ATKINSON: Then, Sir, I think there is a great want of business arrangement in this House, which is supposed to be a model of Parliamentary conduct. Surely if we cannot succeed in getting the larger demand conceded, we ought not thereby to be precluded from trying to get a smaller concession. I should have thought that common sense would have dictated the adoption of such a course. I do appeal to the right hon. Gentleman, whom I have supported for 40 years as Chairman, candidate, and Member, to consent to this Amendment or to a modification of it.

(5.51.) MR. PICTON (Leicester): The hon. Member who last spoke taunted his fellow Dissenters.

MR. ATKINSON: I am not a Dissenter; I am a Nonconformist.

MR. PICTON: I am sorry I do not appreciate the hon. Member's position. I will say, however, he has taunted his fellow Nonconformists with having a distaste to be ticketed; but there is another difficulty which the hon. Gentleman has not realised. A great many persons do not know how to describe themselves in the matter of religious belief. Personally, I should not know how to fill up the Return, or how to describe myself in this respect; and there are hundreds of thousands in this country who are in a similar position. The hon. Member for the Hitchin Division of Hertfordshire has let the cat out of the bag. The religious census is to be a kind of *plébiscite* in favour of the Established Church; but this *plébiscite* is a matter which ought to be decided at the polling booths. As to the principle of equality between England and Ireland, hon. Members ought to remember that the circumstances in the two countries are very different indeed. In Ireland religious differences are clearly marked, and are comparatively few in number. The vast bulk of the population is divided into the three great denominations of Catholics, Anglicans, and Presbyterians. Other classes are exceedingly few. It is, therefore, of considerable importance to know what proportion the Catholic population in Ireland forms of the whole people. On the other hand, it may be said that there are about 365 denominations in this country—one for every day in the year. If the Irish people desire it, by all means let them have a religious census in Ireland, but we do not want one in England.

*(4.56.) MR. J. E. ELLIS (Nottingham, Rushcliffe): I hope, in the interests of accuracy, that the President of the Local Government Board will stand by the Bill. The whole question has been carefully considered by a Committee, and the evidence tended to show that in proportion as the number of questions to the householder were multiplied, the chances increased of diminishing the accuracy of the replies received. Quite apart from the merits of questioning people as to their religious views, as we all know, there are sufficient persons not distinctly attached to any religious denomination to destroy the value of any census records on the subject.

*(4.58.) MR. WHITMORE (Chelsea): As a member of the Census Committee, let me say it is not accurate to say that the Report of the Committee had any definite bearing on the merits of a religious census.

*MR. J. E. ELLIS: I have no wish to convey an erroneous impression. I gather the Report amounts to this, that the Committee did not find themselves in a position to make any recommendation.

*MR. WHITMORE: The Committee have not thought it right to weigh the relative merits and demerits from the political point of view of a religious census. From the statistical point of view the Return would be valuable; but when the Committee came to consider the political difficulties which surrounded a Return of this kind, they felt that they were not the proper body to go into those questions. The evidence we had before us strengthened my own opinion in favour of a religious census. It is, undoubtedly, a strong fact that in Ireland there has not been any difficulty encountered in making a Return as to religious belief. Out of the whole population only 3,000 neglected to make the return. In our Colonies this Return is cheerfully made. I confess it seems to me that the balance of argument is in favour of a religious census. The hon. Member for Leicester, whose mind on religious subjects is exceptionally flabby, need make no return of his religious belief. I believe the vast majority of the population would have no difficulty, and would in no way object to making the Return. The main objection to a religious census is that an exaggerated importance may be attached to the figures. It is said that great numbers would return themselves as members of the Church of England when, in reality, they had no very definite opinions. I quite feel the force of that objection, but it is an objection which will apply to nearly all the Returns under the census. No one pretends for a moment that the Return in any one of the columns of the census is absolutely and mathematically correct. The Return is made subject to all the inferences and deductions which an observer of human nature has a right to put upon a Return. Everyone knows the value of a Return of age; no one thinks that it is absolutely accurate, especially in the case of one sex. So, undoubtedly, it would be the case with respect to a religious census. The Return would not be absolutely and mathematically accurate, but it would be a far more trustworthy Return than any we have at present. It would be properly open to criticisms and inferences, but I think it would be an important and interesting addition to our statistical information, and, therefore, I hope the Committee will assent to the Amendment proposed.

*(5.2.) MR. G. OSBORNE MORGAN (Denbighshire): The hon. Member for Boston, taunted us with having changed our opinions. I would remind the House that the man who never changes opinions is a fool. [*Laughter.*] I do not use that word to convey any personal disrespect. It is an old and true saying. I do not know where the hon. Member for Boston got his his knowledge of Nonconformist opinion. I certainly should not have guessed from his Votes whether the hon. Gentleman was a Dissenter or Nonconformist. But, speaking for myself, I have represented a constituency of Nonconformists for something like 22 years, and I can state that a great many Nonconformists look upon a religious census as a means of inviting a man to say he is a member of the Church of England. In the eye of the law I believe we are all members of the Church of England, and the consequence is you would get all the persons whom the late Mr. Miall used to call "absenters" credited to the Church of England. The hon. Member for Chelsea candidly avowed that a religious census would not be at all satisfactory, or represent the real religious opinion of the country with perfect truth. He said that an observer of human nature would be sure to draw his own conclusions, and to make allowances. But I am afraid those who looked at the Returns are not observers of human nature, and they would at once conclude that the members of the Church of England were enormously in excess of the members of other denominations, and they would, therefore, be led to a false conclusion. In Wales there is deep religious feeling, and I am perfectly certain that there the people would have no hesitation in stating their

religious faith. But when you come to the "absenters" in England you have a very different state of things. I had hoped that this matter was settled. With regard to the Committee, they certainly came to no conclusion on the point. But I understand from the First Lord of the Treasury that the Government has settled the matter, and I hope the right hon. Gentleman the President of the Local Government Board will bring some pressure to bear on his supporters to resist this Amendment, which was being quite unexpectedly sprung upon us.

*MR. RITCHIE: The right hon. Gentleman must know that the Government are bound to the Bill which they lay before the Committee. At the same time I am bound to confess that, when the right hon. Gentleman appeals to me to control our followers on this particular matter, this is one of those points in respect of which we do not feel at all inclined to put pressure upon our supporters or the friends of the right hon. Gentleman who are with us. The Bill is the Bill of the Government, and to that Bill the Government, of course, will adhere. At the same time, I am bound to say that I think there is a very great deal to be said in favour of the suggestion made by my hon. Friend, and I am not in the least astonished that he has brought forward his proposal. There is great force in the arguments used on this side of the House, and in the arguments used on the other side; at the same time I do not share the opinion of the right hon. Gentleman who has just sat down. If the Return proved unsatisfactory, I take it that it would be because of the failure of those who are not members of the Church of England to make the Return they were asked to make. To them would attach the blame if any preponderance of the Church of England were shown. But though there is something to be said in favour of the proposal, it is not one which the Government, under the circumstances of the case, at present are prepared to accept. We should be very sorry indeed if any very sharp differences of opinion were to be raised throughout the country by a demand for such a Return. We should be sorry indeed to raise religious or political feeling in the various communities, and the effect of which would be felt in other matters in respect of which we desire to obtain information. We have adopted mainly the recommendations of the Committee with regard to the information to be obtained, and, looking to the sharp differences of opinion which exist, we see that it will be well to adhere to those recommendations, and not ask the House to assent to a religious census.

*(5.12.) MR. HOBHOUSE (Somerset, E.): I intend to vote for the Amendment, for I do not think that this question is at all one to be regarded from a Party or sectarian point of view, and I am sorry those considerations have been so far introduced. No one disputes that if this item were included in the Census Returns it would be of very great statistical advantage. I believe in Canada and the United States the Religious Return is always included, and no serious difficulty has been experienced, in spite of the great number of denominations in those countries. I cannot believe that there is a very large number of people of the opinions of the hon. Member for Leicester, who would return themselves to the enumerators as members of the Church of England. I was very glad to hear my right hon. Friend say that the Welsh people had no objection to the Return, and I believe there would be very little objection in the rest of the country.

(5.13.) MR. CAMPBELL-BANNERMAN (Stirling, &c.): I confess I listened with considerable astonishment to the speech of the right hon. Gentlemen the President of the Local Government Board. I remember distinctly the First Lord of the Treasury said that the Census Bill would be precisely the same as on previous occasions. Yet the President of the Local Government Board gets up and encourages his followers to support the Amendment, which he knows will be bitterly opposed on this side of the House. I do not say it is a breach of understanding or of faith, but certainly it is not what we expected from the statements on the part of the Government with regard to this business in particular. I speak for a good many Members on this side of the House when I say that we are not afraid of a religious census because of the result it may bring about. We object to it on principle. I object to

being asked of what religion I am. If a religious census is put in practice in other countries, all I can say is, I am glad I do not belong to those other countries. It is on this principle, and not because the result might be deceiving owing to weak people representing themselves as being what they are not, that many on this side of the House are strongly opposed to this Amendment. We have been led to believe that no such proposal would be encouraged by the Government, and according to what fell from the mouth of the First Lord of the Treasury these Bills were to be really the same as those that have been passed on previous occasions. Consequently, I was amazed beyond expression to find that the right hon. Gentleman the President of the Local Government Board, practically on the part of the Government, although he said the Government did not support the Amendment, giving a sort of back-handed support to the Amendment.

*(5.16.) MR. RITCHIE: I do not think that a single word of what I stated could possibly have suggested the tone the right hon. Gentleman has adopted. I stated most distinctly that the policy of the Government was the policy of the Bill; that the Government intended to adhere to the Bill, and to oppose the Amendment; but it seems to have given the right hon. Gentleman much astonishment, that at the same time I could acknowledge there were some good arguments in favour of the Amendment, and that we did not propose to put that pressure which was suggested by the right hon. Gentleman the Member for Denbighshire upon the supporters of the Government. The right hon. Gentleman said truly that this ought not to be treated as a Party question, and we, having stated our views in regard to the matter and that we adhere to the Bill, propose to leave it to those who generally support the Government to act according to their own views on the subject.

*(5.18.) MR. ESSLEMONT (Aberdeen, E.): I must remind the Committee of what took place in regard to this Bill yesterday, the result of which was that there was no discussion on the Second Reading of the Scotch Bill. Will the right hon. Gentleman say that that was not the result of the acceptance by the Scotch Members in good faith of the statement that the Bill as it stood was to be adopted by the Government and their supporters? I say, unhesitatingly, that had we supposed that such an Amendment as this, involving a principle on which, as regards Scotland there exists the widest divergencies of opinion, these Bills would not have been allowed to pass the Second Reading as easily as they did. We were, in point of fact, led to understand that this discussion would not arise, and one of the supporters of the Government actually stated that he did not intend to press for and did not know whether a Division would be taken. It certainly is a most unusual thing to hear a Minister say that, although the Government themselves intend to vote for a Bill, all those who support the Government are at liberty to vote as they wish. If that is the sort of understanding we are to have in regard to public measures let us be told that it is so; but at any rate it is not the sort of understanding we have been accustomed to in this House.

(5.20.) MR. M. STEWART (Kirkcudbright): I only wish to say a word in reply to what has just fallen from the hon. Gentleman opposite. Are we on this side of the House to be expected invariably to vote for every proposal which comes from the Front Bench, without any regard to the views we ourselves entertain, or to the views our constituents wish to express? This is a question on which, in Scotland, there has been greater division of opinion than on almost any other subject, and I intend to vote according to what I believe to be my conscientious duty. In the discharge of that duty I shall vote for the Amendment of my hon. Friend, and I may add that I think the Government are perfectly right in the course they are taking on this question. I am glad they have left it as an open question, and that they do not regard their supporters as bound to follow them in their action on this Amendment.

(5.21.) MR. S. RENDEL (Montgomeryshire): We are called on to divide upon this question under somewhat peculiar circumstances, and I think it important that there should be no misapprehension, such as would appear to have been created in the mind of the hon. Member for East Somerset (Mr. Hobhouse) as to the attitude of the Welsh Members. It is quite true that the Welsh people are

not at all afraid, and have nothing to fear from the results of a religious census; but, at the same time, it is a great mistake to suppose that they are favourable to this proposal, or at all approve of a religious census. On the contrary, they strongly object to it on principle. But, without delaying the House by going over the obvious arguments from a Welsh point of view, I would point out that the effect of adopting this Amendment would be to create a religious agitation as to the character of the machinery to be employed and to what extent it would affect the influence of the Church. I think, under the circumstances, it would be the most harassing and unwise proposal the House could pass, and I do hope it is clearly understood that coming, as this proposition does, at the last moment of the Session and by surprise, when, to our amazement, we hear from the Government that this is to be left as an open question, the Welsh Members as a body join in a vigorous protest against the Amendment.

*(5.23.) SIR R. FOWLER (London): I feel bound to enter my protest against the assumption of the hon. Gentleman opposite the Member for Aberdeen (Mr. Esslemont), that because the Second Reading of this Bill was passed without a Division certain hon. Members on this side of the House have no right to dissent from this portion of the measure. I protest against the dictum of the hon. Gentleman that we are bound to vote against an Amendment the object of which is to carry out the views we have long entertained on this subject. We who are independent supporters of the Government ought not to be called upon to go with them into the Division Lobby when they are taking a course of which we do not approve, although, of course, the thirty gentlemen who are members of the Ministry are bound to vote for the Bill as it stands.

(5.24.) SIR H. JAMES (Bury, Lancashire): I am sure that no one can object to the right hon. Baronet and other supporters of the Government expressing their views on this subject, but, to my mind, the question is of far too much importance to be left to run loose without responsibility on the part of those who introduced the measure. No one objects to an estimate being formed of the religious opinions of the population; what is objected to is an attempt to insist on a man's making public his religious views. ["No, no!"] Hon. Members say "No," but if this Amendment be carried every man will be bound to make this Return. I know that the refusal will not be subject to a penalty, and that, legally, he need not make the Return unless he likes; but if he is asked to give his religious opinion, and he does not choose to do so, he leaves it open to the public to express doubts as to whether he really holds the religious views he professes in his private life, or to say he has no religious views to declare. This Amendment involves a change in our system of dealing with this question in England and Wales, which has never been adopted before, and to which I have always been opposed. It involves an inquisition as to men's religious opinions which ought to be most private, and ought certainly not to be made a matter of public discussion. I would much rather insist on asking a man what are his political opinions, and how he has voted; for it seems to me that from such a declaration many considerations are absent that must necessarily affect the question as to what are a man's religious opinions.

(5.26.) VISCOUNT CRANBORNE (Lancashire, Darwen): I am wholly at a loss to understand the indignation of the right hon. and learned Gentleman, because he himself was responsible as a Member of the Government which brought in the last Census Bills, one of which contained a provision imposing on Ireland the necessity of making a religious Return. Why did not the right hon. and learned Gentleman exhibit on that occasion all the energy and eloquence which he has evidenced on this? He has spoken of people being compelled to state their religious belief, but he knows there is nothing in this Amendment of my hon. Friend compelling anyone to make a statement on this point. It simply allows the people of this country, if they please, to state the religious opinions they hold, and they may either say what those opinions are, or that they have no religious opinions at all, or to decline to answer the question altogether. The hon. Member for Leicester has stated that he would have a difficulty in making such a Return.

I do not think the hon. Member would find that he would have any difficulty, as he need not put any statement in that particular column of the Return; but I am sure the hon. Member does not belong to that class who would be afraid to state what religious views they hold, and I am equally certain that he would not state religious views which he does not entertain.

MR. PICTON: My statement was that if I were to refuse to state my religious views I might be put down as a member of the Church of England.

VISCOUNT CRANBORNE: The hon. Gentleman sits among the Members for Ireland, and probably that may have influenced him in forming so rash a conclusion. Does he not know that after the census is taken no man will be one whit the wiser as to the religious belief of any of his neighbours. I should be inclined to say that Returns such as are asked for by this Amendment would furnish almost the most interesting statistics we could have. There is no reason why we should not follow the example of all our colonies and part of the United Kingdom, namely, Ireland, as well as the advice of many of our fellow subjects in this House—I refer to the Scotch Members. For these reasons I think hon. Members should feel no scruple in voting for the Amendment.

(5.30.) SIR W. HARCOURT (Derby): I think the noble Lord in his address to the right hon. and learned Gentleman the Member for Bury (Sir H. James) forgets at which end of the Bench the right hon. Gentleman sits. The noble Lord, in the language he used to the right hon. Gentleman, was almost as vehement as he would have been if he had been attacking us. But, with the consent of the noble Lord, I will say a word as to the course the Government are taking. We had hoped that we had got into smooth waters, and that we were going to conclude the Session. The Government, on the Second Reading of the Bill, made it distinctly understood yesterday that their policy was to exclude the religious question from this Bill. [*Ministerial cries of* "No."] "No"? Well, we so understood it. It was in the spirit and upon the faith of that statement that the Second Reading was agreed to. I have never known a Government depart from an understanding made in this House without being justly condemned and properly punished for it. What is the position of the Government now? At an earlier part of the Session they introduced unnecessarily a liquor question, and now it appears as if they want to introduce a religious question. If they do introduce it there will be no question of Parliament meeting in November, for we shall sit till then. From the observations of the President of the Local Government Board I should say that the Government are playing fast and loose with the House. When the Government say, "We are bound to take one course ourselves, but our followers may do as they like," we know very well what it means. We know that it is an instruction to those who sit behind them, and who are a majority in the House, to defeat them on a point on which they want to be defeated. I hope that the right hon. Gentleman the First Lord of the Treasury will at once remove the impression produced by the remarks of the President of the Local Government Board by assuring the House that the Government stand by the declaration made yesterday that this is not to be a religious census—a declaration which certainly prevailed up to half an hour ago.

MR. ATKINSON: No, no!

SIR W. HARCOURT: There is an hon. Gentleman behind the Government who undertakes to say that there was no understanding arrived at.

MR. ATKINSON: I do not say "no" for them; I say it for myself.

SIR W. HARCOURT: I do not at all care about the hon. Member's saying it for himself.

MR. ATKINSON: I do.

SIR W. HARCOURT: I quite recognise that. It is quite right that he should; but what I want to know is, what more responsible people than the hon. Member think about the matter. I think we have a right to claim a specific declaration from the Government. We have a right to expect that the Government will abide by what they have said, and that they will use their legitimate influence with their supporters to induce them to reject the Amendment.

*(5.35.) THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): I have no hesitation

in responding to the appeal of the right hon. Gentleman. The Government undoubtedly stand by what they have said. They are responsible for the Bill they have presented to the House, and, in their opinion, it is not desirable to introduce into the measure the provision under consideration. All that my right hon. Friend the President of the Local Government Board said was that the Government are not able to exert such pressure upon some of their followers as is necessary to prevent them from voting for the Amendment. Have not the followers of the Government already voted against them in the course of this Session? I wish the House to understand distinctly that the Government have presented this Bill in perfect good faith, believing that, on the whole, it is far better to proceed on the lines settled in the past than to make the census a religious one. Personally, I should have no objection whatever to the introduction of the religious question, but I respect the objections that are entertained against that course by a very large number of my fellow-subjects. I therefore deprecate strongly the attempt to introduce into a measure of this kind a subject which must cause heat, and, to a certain extent, ill-feeling, and certainly a vast amount of misrepresentation. It is a misfortune that this should be the case; a very great misfortune, for the statistics in regard to religion, if they could be obtained, would be very valuable. But if there is a very strong objection on the part of a large number of persons to give this information, I am not one of those who would insist upon its being furnished, nor do I think it would be sound policy to insist on its being given. The Government, therefore, stand by the Bill, and will vote against the Amendment, and I should regret the fact very much indeed if this provision were agreed to I trust I have satisfied the House that the Government have acted in complete good faith, and that they desire that the measure shall pass in its present form.

(5.39.) MR. LABOUCHERE (Northampton): [*Cries of* "Divide!"] I take it that hon. Members who cried "Divide" are in favour of the Amendment. I can quite understand their anxiety for a Division. They fancy they have a majority—I do not think so, but they do—and they are anxious to take advantage of the circumstances. The course the Government have adopted has been somewhat curious. The right hon. Gentleman the President of the Local Government Board went out of his way to say that he did not intend to exert any pressure on hon. Gentlemen behind him, and that they might vote as they liked.

*MR. RITCHIE: That observation was called forth by a remark of the right hon. Member for Denbighshire, who appealed to me to put all the pressure I could upon Members who differed from me with regard to this question, so that they might vote against the Amendment. It was to that that my observation was directed.

MR. LABOUCHERE: What did the right hon. Gentleman say in response to the appeal of my right hon. Friend, who urged that the Government should put that ordinary pressure on their followers which is usual when a pledge has been given to the Opposition? The right hon. Gentleman said he could not do so. He turned round with a sort of nail-his-ears-to-the-pump look and said, "Do as you like; I will not exercise any pressure." I say that when the Second Reading was passed, it was passed on the distinct understanding that the Government were not going to allow the introduction of this religious question. It is a curious fact that the First Lord of the Treasury has avoided using any words of exhortation to his followers. In fact, he went out of his way to say that, personally, he had no objection to a religious census. What the right hon. Gentleman ought to do is this: he ought to say that the Government pledged themselves to pass the Bill as it stands, and that if they are thwarted they will drop it. If the right hon. Gentleman were to say, "If this Amendment is forced upon us, we will withdraw the Bill," the hon. Baronet the Member for the City of London and other independent Baronets and Members on the opposite side of the House would shrink into their shells at once and follow the Government humbly into the Lobby.

* 5.45.) MR. WINTERBOTHAM (Gloucester, Cirencester): [*Cries of* "Divide!"] Hon. Members who object to further discussion have apparently come down to the House to spring this

Amendment upon it. Until an hour or less ago we had no idea on this side of the House that a Religious Census Bill was contemplated. We came down to discuss a non-contentious—a Census Bill merely. If the Amendment is passed, the feeling of the country, which is that a man's religious belief is a matter purely for his own conscience and not for the State, will be even more intense than the feeling evoked by the Ministerial Liquor Bill. Hon. Members in this House may not in the least object to state their religious views, but many of the people whom they represent cannot afford to do so. There are tens of thousands of domestic servants in this country, and not a few of them are engaged on the conditions that they go to church and communicate, and in the villages of England what amounts in result to religious persecution prevails to a large extent. I mean that for a labourer to declare himself and his family to be Dissenters or Roman Catholics, would mean giving up all share in coal and blanket funds, and getting the cold shoulder in many ways. This Division List will be scanned everywhere throughout the land, for it will tell the people who the men are who wish to revive the old methods and touchstones of religious bigotry and intolerance. If the Amendment is carried, there are many of us who will exhaust every means at our disposal to prevent the Bill from passing.

(5.47.) MR. BARTLEY (Islington, N.): As Independent Members have been spoken of, I wish to say that it would be very interesting to have these statistics as to religion, if they could be obtained; but the collection of them would cause too much heart-burning, annoyance, and irritation. I shall, therefore, vote for the Bill in its present form.

*(5.47.) MR. H. J. WILSON (York, W.R., Holmfirth): I desire to enter a protest against the proposed alteration of the measure. I had to leave the House shortly after the Debate commenced, and only heard the observations of the right hon. Gentleman the President of the Local Government Board, in reply to some earlier Amendments. In those observations, however, the right hon. Gentleman took his stand on the recommendations of the Select Committee, and did not tell his followers that they could vote as they liked, and I naturally inferred that the Government intended to stand by the Bill. When I returned to the House, however, I found that the right hon. Gentleman had set his followers at liberty in this particular matter. If this Amendment is accepted, it will lead to very great difficulty and inconvenience. The enumerators will find it difficult to carry out their work, especially in cases where they have to instruct the people how to fill up the Returns; and, further, the selection of the enumerators will be a more serious, and perhaps contentious, matter than it need otherwise be. Then I would ask how long or wide is it proposed to make the religion column in the census paper—for there are a good many forms and shades of religious belief in this country, and some people may find it difficult to describe themselves in the ordinary space of a census paper.

(5.49.) MR. ILLINGWORTH (Bradford, W.): It is impossible for anyone to imagine that the object of the proposal is merely to ascertain the religious belief of the people of the country. I contend that the proposal has an ecclesiastical and political object in view. Nobody will be influenced in the slightest degree by figures collected in such a way or be influenced by them in any degree in considering the question of Disestablishment, either in England or Scotland. The feeling of the country on that important question will have to be tested in a very different way—at the polls. I trust the House will not allow any form of religious *plébiscite* to be taken, and I hope the Government will make it clear to their followers that they do not approve of the Amendment.

*(5.50.) MR. RITCHIE: Both the First Lord of the Treasury and I have declared that the Government think it would be most impolitic to introduce this Amendment into the Bill.

(5.50.) The House divided:—Ayes 69; Noes 288.—(Div. List, No. 196.)

*(6.5.) MR. S. T. EVANS (Glamorgan, Mid): I beg to propose to insert, after "day," in line 14, "and whether any such person speaks Welsh only

or both Welsh and English." I understand that the Government are prepared to accept the Amendment.

Amendment proposed, in line 14, after the word "day," to insert the words "and whether any such persons speak Welsh only or both Welsh and English."—(*Mr. S. T. Evans.*)

Question proposed, "That those words be there inserted"

*MR. RITCHIE: I have considered the matter since last night, and as I gather it is the universal wish of the Members for Wales that these words should be inserted, I accept the Amendment.

Question put, and agreed to.

*(6.8.) MR. W. A. MACDONALD: I beg to move the insertion, after "lunatic," in line 16, of the words "and if a child, whether he or she, is attending school." I do not wish to press the Amendment strongly; but it does appear to me that if you do not accept this Amendment, you will have no complete classification of the number of children attending school. We can get details as to the number of boys attending the great public schools and you may obtain the number of children attending Board Schools, but there are very many children who attend schools of a different character. Many children attend private adventure schools, where they get a very good education, but there are no means at present of ascertaining the number of these children. I am anxious to know how many children, both boys and girls, attend school, and it appears to me that, unless you adopt this Amendment or some Amendment going in the same direction, you will not obtain what is a most elementary piece of information.

Amendment proposed, in Clause 5, page 16, after the word "lunatic," to insert the words "and if a child, whether he or she, is attending school."—(*Mr. W. A. Macdonald.*)

Question proposed, "That those words be there inserted."

(6.10.) MR. RITCHIE: I quite appreciate the motive that prompts the hon. Gentleman in moving this Amendment, and, if I thought that the householder could be fairly asked under all the circumstances to give such information, I should be glad to do what I could to meet his views. But I am sure he will agree with me that it is extremely probable that what he desires will not be obtained, namely, correct information. There are some classes who will, no doubt, imagine that the information may be used against them for the School Board officers, and, however desirable it is that we should do everything we can to induce people to act according to law and to obey the law, it would be unfortunate if any impression were created in the minds of anybody that we desire to put the pressure of the law upon them.

Question put, and negatived.

(6.12.) MR. WOODALL (Hanley): I desire to ask the right hon. Gentleman if, in dealing with the deafand dumb and the blind, he has given his attention to the recommendation in the Report of the Royal Commission, which Report was presented to the House a few months ago, and in which the importance of a specific and uniform classification was set forth? May we hope that in the method to be adopted for collecting information, there will be statistics distinguishing, for example, between those who are born blind, deaf, or dumb, and those who have subsequently become thus afflicted?

*MR. RITCHIE: My attention has been directed to the Report of the Royal Commission and to that portion of it to which the hon. Gentleman has referred. If we were to obtain the information in an elaborate way, it would add considerably to the size of the Schedule. At the same time, I will undertake that the question shall be carefully looked into, and if there can be any alteration made in the Paper with regard to these persons, I shall be glad to consider it.

MR. WOODALL: Will the right hon. Gentleman consider the particular form of the question on the subject? Will he see, for instance, that the different classes of imbeciles are specified?

*(6.14.) MR. RITCHIE: The person filling up the Paper is to make a Return whether the persons in the house is afflicted in any of the modes to which the hon. Gentleman has alluded. If we were to subdivide the class in question the

Paper might possibly be unwieldy, but I will consider the point.

MR. WOODALL: I take it the right hon. Gentleman recognises the importance of the question I have put, and that possibly by some supplementary process he may meet the desire I have expressed.

(6.16.) MR. CONYBEARE (Cornwall, Camborne): I desire to move an Amendment which I have not been able to put on the Paper. This clause provides that every occupier shall fill in the schedule and sign his or her name. I can conceive there may be cases in which the occupier or householder may be unable to read or write, and I have not been able to discover within the limits of the Bill that any provision is made for a case of that kind. I should like to ask the right hon. Gentleman whether provision is made for such a case by instructing the enumerator to fill in the paper for the occupier, and whether, in that case, the occupier is required to affix his or her mark to the paper so as to authenticate it. I think it is desirable my Amendment should be moved for the purpose of eliciting from the right hon. Gentleman the information I desire.

Amendment proposed, in Clause 5, page 2, line 32, to insert—

"If such occupier be unable to read and write, then such schedule shall be filled up by such other person he may appoint to do so, and shall be authenticated by the mark of such occupier."—(*Mr. Conybeare.*)

Question proposed, "That those words be there inserted."

*MR. RITCHIE: The Amendment of the hon. Gentleman is really not necessary, because in Clause 6 full power is taken by which, if the schedules appear to be defective or erroneous, or the information is not complete, the enumerators may make them complete. Instructions are printed at the back of the paper to the effect that if householders are unable themselves to fill up the paper properly the enumerators are charged with the duty of filling up the Return.

MR. CONYBEARE: Is the enumerator required in that case to make any statement on the paper to the effect that he has filled up the paper on behalf of the occupier?

MR. RITCHIE: I have not had time to look into the matter, but I do not think it is one of importance. If the householder is unable, from any cause whatever, to fill up the paper he has a right to call on the enumerator to fill up the paper.

Amendment, by leave, withdrawn.

Clause 5 agreed to.

Clauses 6 to 17 inclusive agreed to.

Clause 18 deferred.

Clauses 19 to 23 agreed to.

Committee report Progress; to sit again to-morrow.

CENSUS (SCOTLAND) BILL.—(No. 387.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 6.

(6.24.) MR. SOMERVELL (Ayr, &c.): I beg to move, in page 2, line 22, after "age," to insert "religious profession.' I have no intention of reiterating the arguments which have been used in the discussion on a similar Amendment to the English Bill, but I desire to point out that the question of taking a religious census occupies totally different ground in Scotland from what it does in England. The numbers belonging to the various denominations in Scotland is a subject of discussion both inside and outside the House, particularly since the relation of the Established Church to the State has been brought into prominence by the right hon. Member for Mid Lothian (Mr. Gladstone). If this opportunity of discovering with some degree of accuracy the numbers of the different denominations is lost, there will be no certainty upon the subject when the momentous question of Disestablishment may be submitted to the country, and statistics of a misleading character may influence the House in coming to a decision. The House has received Petitions from the Kirk Sessions of almost every parish in Scotland in favour of inserting a column of this kind. There is a very strong feeling indeed among the majority of the people of Scotland on the subject, and Scottish Members untrammelled by office on this side are unanimous in its support. If the Government accept the Amendment they will be giving effect to a strong popular

desire, and will obtain valuable information on a question which is most keenly interesting to the people of Scotland, and which they consider of vital importance to them. I can hardly hope that the Government will on this question be induced to give an absolutely free hand to those who sit behind them, and also to the Members who occupy the Treasury Bench. If, however, the Government can see their way to recognising this claim I would press the matter to a Division, but I have no intention of wasting the time of the House either by prolonging my remarks, or by forcing a Division, if the Government do not see their way to refrain from making this a Government question.

Amendment proposed, in Clause 6, page 2, line 22, after "age," insert "religious profession."—(*Mr. Somervell.*)

Question proposed, "That those words be there inserted."

(6.29.) THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): I am sure my hon. Friend has stated his views with great clearness and moderation, but I must say at once that we must assume, on this question, the attitude the Government took upon the English Bill; we are unable to assent to the Amendment. It is superfluous for me to dwell on the reasons; they have been adequately stated by my right hon. Friend, and I think they, in an equal degree, apply to Scotland. I do not deny the value that such statistics would have, but they could only be obtained by a census carried out with the assent of the country, and it is quite obvious, from what has passed here to-night, that that assent is not likely to be obtained. I must say, with reluctance, but quite distinctly, that we cannot accept the Amendment.

*(6.31.) MR. HOZIER (Lanarkshire, S.): I trust that everyone will clearly understand that those who are in favour of disestablishment, and actually claim to have the people of Scotland at their back, are those who are afraid of the results this census might disclose. For our part, we on this side of the House are keenly anxious to have the information, so that we may know exactly where we are.

*(6.31.) MR. ESSLEMONT (Aberdeen, E.): I am very unwilling to continue this discussion, for I think the answer of the Lord Advocate ought to be satisfactory to every Scotch Member. I am really surprised that the two hon. Gentlemen who have spoken from the other side of the House should not be satisfied with the statistics their Party have gathered up in regard to the denomination to which they adhere. We have been told that these statistics have been proved and tested by ministers and elders, and are vouched for on the faith of their church and religion, and yet now they come here upon this Bill and say these statistics cannot be relied on and that they must have State Authority for them. ["No, no!"] Well, I think the statement of the Lord Advocate is conclusive that a large number of people will not furnish these religious statistics. This is really a manœuvre of the Church Defence Association, with a political and ecclesiatical purpose, and I think the Government act wisely in not giving countenance to it.

Amendment, by leave, withdrawn.

Clause agreed to.

Clauses up to 19 agreed to.

Committee report Progress; to sit again to-morrow.

CENSUS (IRELAND) BILL.—(No. 386.)
COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1.

*(6.34.) THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): I believe an understanding has been arrived at between my right hon. Friend the Chief Secretary and hon. Members opposite that, with a view to the further consideration of points raised, the Bill shall not be proceeded with to-night. I, therefore, move that you do now report Progress.

Committee report Progress; to sit again upon Thursday.

SAVINGS BANKS BILL.—(No. 240.)
SECOND READING. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Amendment to Question [21st July], "That the Bill be now read a second time."

And which Amendment was—

"To leave out from the word "That," to the end of the Question, in order to add the words "in the opinion of this House, it is inconvenient to assent to the Second Reading of this Bill before the terms of the First Schedule of the Bill have been filled in."—(*Mr. Howell.*)

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

(6.35.) DR. CLARK (Caithness): I understand that my hon. Friend the Member for Sunderland is anxious to say something on behalf of the Banks whom he thinks have not yet had the opportunity of stating their case. I think myself the case has been fully gone into, and nothing remains that cannot be dealt with in Committee. With the modifications the Chancellor of the Exchequer suggests, I think the Bill ought to go through.

*(6.36.) MR. LENG (Dundee): I will only say a few words in support of that view. The Chancellor of the Exchequer has met a very large deputation representing banks in England, Scotland and Ireland, and has made concessions to that deputation which have almost entirely satisfied them. Some remarks were made last night as to the serious condition which it was alleged some of the banks presented, but that seems to me an argument not for delaying but for proceeding with the measure. I do not think it necessary to detain the House, but on the part of the Scotch banks I may say that they are exceedingly well satisfied at the way in which they have been met by the Chancellor of the Exchequer, and there is every anticipation that the Amendments he has placed on the Paper will meet with general acceptance.

(6.37.) MR. SHAW LEFEVRE (Bradford, Central): I have no intention to continue the Debate, because all that remains to be said may be reserved for the Committee stage. I do not know that it can be shown that the concessions made are altogether satisfactory; so far as I understand they are somewhat a whittling down of the suggestions of the Committee last year, suggestions which, I believe, are of a very moderate character in themselves. From the draft of the proposed Amendments, with which the right hon. Gentleman has been good enough to supply me, some of them seem to destroy the recommendations of the Committee. But the main project is the constitution of the Committee of supervision, and that can be more practically discussed on the 2nd clause.

(6.38.) MR. STOREY (Sunderland): I am just a little anxious to submit a few questions.

*MR. SPEAKER: The hon. Member having already spoken, and moved the adjournment of the Debate, has exhausted his right to speak.

MR. STOREY: That, Sir, was on the adjournment of the Debate on the Amendment.

*MR. SPEAKER: That Amendment the hon. Member for Bethnal Green asked leave to withdraw.

MR. STOREY: And the House objected to that.

*MR. SPEAKER: Yes; and upon that the hon. Member spoke, and moved the adjournment of the Debate.

MR. STOREY: What I understand took place, Sir, is that there was a Division upon the adjournment of the Debate upon the Amendment. The Division decided against the adjournment, and afterwards the hon. Member asked to be permitted to withdraw the Amendment. I am quite clear upon that. After that the right hon. Gentleman the First Lord consented to an adjournment.

*MR. SPEAKER: I have the record of the proceedings here. The hon. Member for Bethnal Green moved an Amendment. Upon that the hon. Member moved the adjournment, and consequently, under the Rules of Debate, he has spoken and cannot speak again.

MR. BUCHANAN (Edinburgh, W.): May I ask, Sir, is the Amendment of the hon. Member for Bethnal Green still before the House?

*MR. SPEAKER: The hon. Member for Sunderland interposed on the question before the House with a Motion for adjournment. That constitutes a speech.

MR. BUCHANAN: But will you inform us, Sir, what is the question before the House now? Is it the Amendment?

*MR. SPEAKER: The original Question was that the Bill be read a second time, to which the hon. Member for Bethnal Green moved an Amendment. The hon. Member will find the position set out in

a note at the foot of the Orders of the Day.

MR. HOWELL (Bethnal Green, N.E.): With the permission of the House, I will withdraw my Amendment after the explanation given.

Amendment, by leave, withdrawn.

Main Question again proposed.

(6.40.) MR. STOREY: I will trespass on the time of the House but a few minutes, for I have no disposition by long speeches to retard the progress of the Bill. The right hon. Gentleman will agree that I had some reason to complain last night. The fault is no more that of the Government than my own. I had serious objection to the measure, and the right hon. Gentleman was good enough to promise that before the Second Reading he would put before us the Amendments to which he was willing to agree, so that I might ascertain if my strong objection to the original scheme was assuaged. Owing to misadventure a copy of these Amendments did not come into my hands until after the Division last night, and had not reached me when I made my objection. Since then I have availed myself of the courtesy of the right hon. Gentleman and have examined the Amendments, and I am bound to say that, while the Bill as originally drawn was in my judgment an exceedingly reprehensible and unnecessary Bill, the Amendments to which the right hon. Gentleman has consented have, to a considerable degree, modified the objections which I and many persons connected with Savings Banks have felt. After saying that, I will occupy a few minutes in stating the views of the Savings Banks, and perhaps I shall not be thought at all impertinent in expressing those views when I say that personally I have filled every position in connection with the management of a Savings Bank. I have been auditor, secretary, manager, and, at the present time, I am Trustee of a thriving and very considerable Savings Bank in my own town of Sunderland. For 20 years I have studied the law dealing with these banks, and the method of their operations. I know the position to which they have attained, and the points upon which they have reason to complain. I think the object with which the Bill was originally drawn entirely unnecessary. I think that the statements made regarding Savings Banks have been grossly exaggerated, and in some particulars they have been most unfair and unjnst to those most valuable institutions. These institutions existed long before the Post Office Savings Bank, and were started and have been carried on by a number of gentlemen from philanthrophic and humanitarian motives, to assist the people in acquiring habits of thrift. I was grieved and astonished to hear the charge made last night that politics entered into the management of these banks. My experience is that they are managed by persons of all religious creeds and political opinions, who work together on broad humanitarian principles. We have Church of England clergymen, Catholic priests, Nonconformist ministers, all acting together on broad humanitarian grounds for the encouragement of thrift. The remark was an unfortunate one. I do not agree with it, or in the fear entertained that the proposed Committee will have a political aspect. While I say this, I say that Savings Banks, established and carried on as I have said, have been hardly treated on both sides of the House by officials, and by private Members. What are the facts? I am credibly informed, on the authority of an hon. Gentleman opposite, that there are 300 or 400 of these Trustee Savings Banks in existence, and in the course of 50, 60, or 70 years, for many of them have been in existence so long, there have been a few instances only in which there have been defalcations, and some slight loss to depositors. I do not think that any business transactions can show a much better record. During their existence these banks must have turned over capital to the amount of £1,000,000,000, and in the course of these transactions there have been very few departures from rectitude in the management and losses to depositors. Is there any public department or private business of which more can be said than of the Trustee Savings Banks as a whole? I appreciate the public spirit and honesty of purpose actuating my hon. Friend (Mr. Howell), but I think he is not altogether zealous with knowledge. He made some notable admissions. He said the law at present, if properly administered, is amply sufficient for

securing proper government of the banks. But what more can be said of any law? It is admitted that the managers or Trustees have not been the people who have made a profit out of the small amount of defalcations which have taken place, and if this is all the indictment that can be brought against them, it will not be possible for any change in the law to guard absolutely against dishonesty on the part of paid officials. By no system of public audit can you absolutely guard against that. In my judgment, and in that of many connected with Trustee Savings Banks, no such legislation as is now proposed is necessary at all. But the Government having determined to take up this legislation the managers of these banks, taking a common-sense view, said, "We will get the Bill amended as far as we can, and make the best of a bad business," but let me say in regard to opinions expressed by managers of banks in favour of the Bill, that though they have expressed satisfaction at the changes made in the original Bill, there are a considerable number of them who think there was no necessity to have moved in the matter at all. Looking at the Bill, as amended, I may venture to point out that there are even yet some changes that ought to be made in Committee. I do not know whether hon. Members have noticed what the first clause originally was. Of course, as it has been revised, I will not discuss it, but I may mention that it absolutely provided that Savings Banks should stamp on the face of every pass-book the fact that the Government are not responsible for the security of the funds of the Savings Bank. A more unjust, a more unfair slur to cast upon a great institution, or a set of great institutions, which have done untold good, I cannot conceive. The Chancellor of the Exchequer smiles when I speak of a slur being thus cast, but what would he say, if in any business with which he happened to be connected, an Act should specially provide that every invoice should bear the statement that the Government had no responsibility for money concerned? Why, it would not be true. Savings Banks have between £40,000,000 and £50,000,000 capital, and every penny of the money, except about £2,000,000, is invested with the Government, so that for 38-40ths the Government must be responsible.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): The point is not whether the Government are responsible for the funds invested, but whether the Government are responsible to the depositors. It was to prevent depositors having the belief that the Government are responsible for disasters that may occur. There was no desire to cast any slur upon Trustee Savings Banks, but simply a desire to state the fact that the Government are not responsible for deposits.

MR. STOREY: Well, I need not discuss it, for the right hon. Gentleman has accepted an Amendment at the hands of the managers of the banks that the statement on the pass books shall be that the Government are only responsible for the funds invested with the National Debt Commissioners. It is a concession for which we are not ungrateful. If in Committee he will accept a further and consequential Amendment, setting forth that the books shall also bear on the face of each the amount of money the bank has so invested, that will be an additional advantage to the banks. I will not trouble the House with the observations I intended to make on other clauses, because I admit they are points of detail I can raise in Committee, but there is one point to which I invite serious attention. I ask the attention of every hon. Member connected with Savings Banks to the proposed omission from the Bill of Clause 11. As the House is aware, at the present time a depositor is only allowed to have £150 altogether in a Savings Bank, which may accumulate by the addition of interest to £200. Clause 11 proposes that in future a depositor may have £200 in the bank, and may draw out the interest every year. The Chancellor of the Exchequer now proposes to withdraw that clause. I listened to the observations of the right hon. Gentleman not only with regret but with positive anger at the way he and his predecessors have treated Trustee Savings Banks in this matter. It must be remembered that the old limit was adopted at a time when £150 was a very large sum for a working man. As working men have grown in means, and in the present prosperous state of the

country, £150 by no means represents the same proportion to wages as it did in old days; it is easier now to save £300 than 50 years ago it was to save £150. It was recognising this fact that the right hon. Gentleman the Member for Mid Lothian—I wish he were present now, for he and his Government deserve blame, though perhaps those right hon. Members who were Members of his Government, and are now on the Front Bench, will take the blame on their shoulders—the Government of the right hon. Gentleman brought in a Bill in 1880, and the present Chancellor of the Exchequer shares the responsibility, for he was a Member of that Government.

MR. GOSCHEN: No, not in 1880.

MR. STOREY: I thought the departure of the right hon. Gentleman from among us was of more recent date, but I find I am wrong. The Government of the right hon. Gentleman the Member for Mid Lothian brought in the Savings Banks Bill, and that was a double-barrelled Bill; it contained clauses reducing the interest payable by the Government to Trustee Savings Bank, and for increasing the amount that workmen could deposit. What was the fate of that Bill? The right hon. Gentleman came down to the House one day and told us that he proposed to ask the House to pass the first part of the Bill, but in deference to opposition in certain quarters, he would not press the second part; but he gave a distinct promise that it should be brought on in the next year. The House accepted his proposal, as the House was in the habit of doing in those days. We were anxious to have the limit of deposits increased, though we did not wish to have the rate of interest diminished. But next year came, and the Bill was never re-introduced, or, if it was, it was not passed. I am told it was never re-introduced. So the engagement made with the Savings Banks has never been kept to this day. It was a fair engagement, taking account of the new state of things arising out of the different character of the time. It recognised that working men could well afford to save more money, and that there ought to be no absurd limitations placed by Parliament on their willingness to save. I did hope that when the right hon. Gentleman brought in this Bill he would have carried out the engagement entered into by the Liberal Government, and have increased this limit. But what has the Chancellor of the Exchequer now done? Why, he has withdrawn Clause 11, out of deference to opposition from certain quarters. No doubt the House well understands what are those quarters. The House well knows that it is the Joint Stock and other Deposit Banks which forced the right hon. Gentleman the Member for Mid Lothian to give up his proposal, which was similar to this, and it is the same opposition which is preventing the Chancellor of the Exchequer from pressing this matter at the present time. Workmen now have become more prosperous, they have more means and better wages, and are able to save larger sums than formerly, and, therefore, it is a just thing that the amount they can deposit should be enlarged. I submit that it is to the public interest that these limits should be increased. The proposal made was, in all conscience, moderate enough; to my mind, it was entirely inadequate, and I think the limit should have been at least £300. I hope the right hon. Gentleman will realise that his chance of carrying this Bill through is by no means enhanced by his withdrawal of this clause. I trust that the Government are in such a frame of mind that they will willingly concede anything in order to secure the passing of the Bill, and I, therefore, give notice to the Chancellor of the Exchequer that I shall put down Amendments which, if adequately supported, will enable the right hon. Gentleman to disregard the opposition, the interested as against the public opposition, of these Joint Stock and Deposit Banks, and which also will enable him to fix the limit at £200.

(7.7.) MR. SHAW LEFEVRE: It was my intention to postpone the remarks I had to make on this question, but I hope I may be permitted to say a few words. Having been a Member of the Committee to which the Bill was referred, and recognising that it is founded mainly on the recommendations of the Committee, it is my intention to give the Government whatever assistance I can in the passing of the Bill. My hon. Friend the Member for Sunderland commenced his observations by saying that the Bill was unnecessary, and that the evil it was

intended to cure was greatly exaggerated. I must protest against that statement. The Committee which sat on this subject last year, and which gave the greatest possible attention to the subject, unanimously agreed that considerable changes in the law were necessary. I may, at this point, thank the hon. Member for Bethnal Green for having raised this question, for I think the Resolution of the Committee abundantly justified the action he took, and although, perhaps, the Bill does not go so far as he desired, yet I think a public service has been done in calling attention to the matter. The Committee, I may say, felt that they would not be justified in going into minute inquiries in the cases of individual banks, because they might periodically affect the interests of really sound banks. I agree that, as the Report sets out, if the provisions of the law are really carried out by Trustees, managers, and officers, there is ample security for depositors, but there is reason to think that there are cases, though I believe not many, in which the law is not observed, and that is really the danger of the position. In some cases the Trustees or managers have negligently allowed the officers to make entries or receive money without that supervision over them which the Act contemplates. What is, therefore, necessary is that there should be something in the nature of an audit, or independent inspection. In saying that I do not wish to throw discredit on the Savings Banks generally. I know that the large majority of them in the great towns, such as those at Liverpool, Manchester, Bradford, and Glasgow, are conducted with a degree of security and care which could not be excelled, but there are a number of smaller banks where the Trustees do not pay attention to the every-day business which is desirable. Now, the recommendation of the Committee is that there should be some audit, so as to secure that the provisions of the law are adequately carried out. The real crux of the thing is this —that if the audit is to be a Government audit then there cannot be a doubt the Government will become responsible. If the audit is to be a Government audit it would be better that the business of the banks should be handed over entirely to the Government. But all the Members of the Committee deprecated this, and I presume this is in accordance with the view of the Government themselves. The point, then, is how to arrange the audit independent of the Government, and yet for the Government to participate in it. The snggestion of the Committee is that the Board of Inspection or Audit should be of a thoroughly representative character, composed of members representing the Trustees, the depositors, and the Government, and I understand the Government have adopted this view. On the whole, I concur with the general lines of the Bill, which is framed on the recommendations of the Committee, and, so far as I am concerned, I regret that the Chancellor of the Exchequer has given way as much as he has done to the Trustees of the Savings Banks. I believe the Bill has thus been weakened, and the right hon. Gentleman must not be surprised if efforts are made in Committee to induce him to strengthen the Bill on those very points.

*(7.20.) MR. TOMLINSON (Preston): As representing the views of some of the assenting parties to the concessions proposed by the Chancellor of the Exchequer at the meeting in the Conference Room, I desire to say that they only wish to have those concessions, as they understand them, embodied in the Bill. So far as I gathered the effect of the proposed modifications, as explained by the Chancellor of the Exchequer, they appeared to me to effect the objects of the proposals made in the Conference Room, except with reference to Clause 1, as to which I did not distinctly catch the words of the proposed Amendment. It appears to me that the best course that can now be taken will be to have the Bill read a second time, and then committed *pro formâ*, in order to introduce the proposed Amendments, the re-committal being postponed, so as to allow of the Amendments being considered by those connected with the Trustee Banks. With regard to the last remarks of the right hon. Gentleman who has just sat down, I wish to say that those who are interested in Trustee Banks expect to have the whole of the Amendments embodied in the Bill, and will be satisfied with nothing less.

*(7.22.) SIR A. ROLLIT (Islington, S.): I confess that at first the Bill prepared by the Government was not very acceptable to Savings Banks, but, taking a somewhat different view to that expressed by the right hon. Gentleman opposite, I am bound, on behalf of the great majority of Savings Banks, to thank the Chancellor of the Exchequer for receiving the deputation which a short time since I had the honour to introduce to him, and for framing the Bill in a way which, I believe, is acceptable to them. I have just received a message expressing the hope that no obstacle will be placed in the way of the Bill, which protects alike the public and the banks.

MR. STOREY: That is from Hull?

*SIR A. ROLLIT: Yes, they believe it to be an advantageous measure. I think that the attention of the House could hardly be directed to a more important subject, for no institution does more to teach thrift to the people, and to demonstrate its advantages to them, than Savings Banks. There is one feature in the Bill which I particularly approve, and that is that in future the position of the Trustees will be one of substantial reality, that they must attend a meeting, at least once a year, that they will be expected to also attend six meetings of the Committee of Management, that the nature of the connection of the Government with these institutions will be clearly set forth, and that the Committee of Audit or Inspection will be of a thoroughly representative character, representative of the views, experience, and interests of the banks on the one hand, and of the Government on the other. I welcome any precaution which will give additional security to these banks, and thus increase the confidence of the people in them. I cordially agree with the view of the hon. Member for Sunderland that the limitation of amount of deposit should be extended in the Savings Banks, for there ought to be free trade in facilities for saving rather than a regard for vested interests. Speaking for the Savings Banks generally, I welcome the Bill, and hope it will receive the unanimous assent of the House.

(7.28.) MR. T. M. HEALY (Longford, N.): I wish——

*MR. SPEAKER: Order, order! The hon. Member has already spoken.

MR. GOSCHEN: I should like——

*MR. SPEAKER: Order, order! The right hon. Gentleman is in the same position, and cannot speak without the leave of the House.

(7.29.) MR. GOSCHEN: Yes, I am in the same position, but, with the leave of the House, I should like to say a few words in answer to the points which have been raised. In reply to the right hon. Gentleman the Member for Bradford, I may say the Government certainly do not contemplate wholly appointing the Committee or Board of Inspection; for their view is that it should be largely representative. With regard to Clause 11, it was dropped in order to get rid of the more contentious part of the Bill, and thus enable it to be passed into law this Session. If we are pressed on all sides, and in different directions, the fear would be that the Bill might be lost. The Bill, as a whole, is considered a valuable measure, and I do trust hon. Gentlemen will do their best in the spirit of compromise to assist the Government to pass a measure which only the hon. Member for Sunderland, I think, considers ought not to be passed. In reply to my hon. Friend behind me, I do not think it would be advisable at this period of the Session to refer the Bill to a Select Committee.

MR. STOREY: Will the right hon. Gentleman tell me whether the Savings Banks agreed to the withdrawal of the clause?

MR. GOSCHEN: No, Sir. I discussed with them the points to which they attached most importance. There was no argument with regard to this clause. It was a very small clause, and some compromise was made. Of course, I shall be prepared to deal with the point when it is reached.

(7.32.) MR. BARTLEY (Islington, N.): I think hon. Members are really forgetting the exact circumstances. At present from £150 to £200 can be deposited in the Post Office Savings Bank or a Trustee Savings Bank. In the case of an ordinary family of five, that would enable one family to deposit £1,000. At that rate, if every one invested, we should have something like £70,000,000,000 invested. Therefore, instead of increasing the maximum, what we should endeavour to do is to induce people to invest in Consols, which are

equally secure, and have the advantage, or disadvantage, of rising and falling according to the prosperity of the country, and do not bear a fixed rate of interest guaranteed by a section of the community. While we ought not to raise the maximum, I do not think it ought to go forth to the world, seeing that a family can invest £1,000, that we wish to limit the savings of any individual family.

Question put, and agreed to.

Bill read a second time, and committed; considered in Committee, and reported.

Bill re-committed for Monday next, and to be printed. [Bill 396.]

PUBLIC WORKS (LOANS) BILL.—(No. 39.)

(7.35.) Motion made, and Question proposed, "That the Bill be now read a second time."

*MR. DUFF (Banffshire): I do not quite understand the limitations of this Bill. I observe that a sum not exceeding only £10,000 is to be lent to the Scotch Fishery Board. Last year they had £20,000. Will this limitation prevent other applications from Scotland being entertained by the Public Works Loan Commissioners?

(7.36.) MR. GOSCHEN: My hon. Friend will understand that the sums named in the Bill are quoted by Acts of Parliament. Under those Acts of Parliament we are bound to say what is necessary for each of these purposes. I am bound to say that in the case of the Fishery Board the result of the loans which have been made is that the sums reclaimed in some cases have been so small that we have not thought it right to issue the £80,000, and the amount has been reduced to £10,000. It would be misleading the House if we issued as loans what really turned out to be subsidies.

(7.38.) MR. SEXTON: This Bill proposes to nominate and appoint persons for five years. It proposes to confer upon them very important functions, and to administer the loans made from the Public Revenues for local works in various parts of the Kingdom. I have looked with curiosity through the list to see what districts are represented.

*MR. JACKSON: It does not extend to Ireland.

MR. SEXTON: Are there no loans to Ireland? I see by the 4th clause that a loan in Ireland is named.

*(7.40.) MR. JACKSON: I might explain to the hon. Member that the Public Works Loan Commissioners no longer make loans to Ireland. That is done by the Board of Works in Dublin, who grant the whole of the loans on public works in Ireland. The House will, therefore, see that the names of the Commissioners apply to England and Scotland and Wales. Section 4 is necessary for this reason. It refers to an old debt for money lent for the repair of Killeany Pier, which amount was written off in former years from the Local Loan Account, but that writing off did not exonerate the locality from payment. But representations were recently made that this debt still stood against the Local Authorities, and it is withdrawn as against them. It is necessary to do that by a clause in this Bill. That has been written off so far as the Local Loan Account is concerned; but it still stands as a liability against the locality.

(7.43.) MR. SEXTON: I am much obliged for the explanation as regards that point. Although the disbursement of loans with regard to Ireland is conducted by the Board in Dublin, I would point out that this is an Imperial Department connected with the Imperial Revenues, and it is not expedient that this important Imperial Department should be constituted without any representation whatever of Irish interests. This Commission is constituted as if the United Kingdom were composed of England, Scotland, and Wales, and that Ireland had no place in it. I find there are four Peers, who are not connected with Ireland, and nine other English and Scotch gentlemen. I should like the Chancellor of the Exchequer to explain why a Department constituted for the administration of Imperial Revenues should be established without any reference to Ireland. I believe Ireland has as much interest in the outgoings from the Imperial Revenue as she has, in one sense, in a disbursement made for her benefit. It is not a proper thing that an Imperial Department should be constituted with reference to England and Scotland, as if

Ireland was not included in the United Kingdom. I do not know upon what qualifications these gentlemen have been selected, but I would suggest that two Representatives of Ireland might very properly be appointed. I respectfully submit that course to the Government.

(7.44.) MR. GOSCHEN: The point which the hon. Member has raised comes upon us by surprise. The hon. Member will be aware that the gentlemen appointed are not salaried officials. It is an honorary office. If, in future cases, Ireland desires representation from the point of view put by the hon. Member, I can only say that we are glad that hon. Members opposite do not wish to dissociate themselves from matters of Imperial concern.

MR. SEXTON: I had intended to divide on the Second Reading. I will not take that course, but I give notice that unless the Government themselves nominate two persons representative of Ireland, the Irish Members themselves will bring forward an Amendment.

Question put, and agreed to.

Bill read a second time, and committed for Thursday.

SUPPLY—ARMY ESTIMATES.

Considered in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £258,400, be granted to Her Majesty, to defray the Charge for the Salaries and Miscellaneous Charges of the War Office, which will come in course of payment during the year ending on the 31st day of March, 1891."

*(7.45.) MR. MONTAGU (Tower Hamlets, Whitechapel): I feel it my duty to move the reduction of this Vote by the sum of £500, part of the salary of the right hon. Gentleman the Secretary of State for War. My object in doing so is to call attention to a question which I raised last year, namely, the re-admission of the public to the Tower Wharf. I feel quite certain that the people of the East of London will not rest contented until the privilege of using that wharf is restored to them. I do not now intend to make a second speech on this subject, but will content myself with a mere recapitulation of the bare facts. It is not denied by the Government that the public up to the time of the Crimean War had full access to this open space, which was the most enjoyable promenade in the neighbourhood of Whitechapel. I have letters from some of the oldest inhabitants in the district on the subject, and I suppose the Committee are aware that at the time to which those letters refer the river was not in so good a condition as it is at present, and also that the population of Whitechapel, and, indeed, the East of London generally, was very much smaller than it is now. Moreover, at that period there were a good many wealthy residents in the district, whereas at the present day the population consists almost entirely of the working and labouring class. I think—and I have no doubt the Committee will agree—that some consideration is due to that class, and that we ought to afford them, during their dinner hour, and at other times when they are not at work, as many opportunities as we can to enjoy the fresh air of the riverside. The opening of this wharf to the public would be a boon not only to the inhabitants of Whitechapel, but to those of Limehouse and St. George's-in-the-East. I am sorry the right hon. Gentleman the President of the Local Government Board is not in his place, because he, as the Representative of the Tower Hamlets, is fully aware how few open spaces there are for the use of the people of the East End, and of the necessity which exists for increasing, as far as possible, the opportunities of open air recreation for the benefit of the people. I would remind the right hon. Gentleman the Secretary for War that last year the explanations he offered on this subject were not considered satisfactory, and a Division was taken, and that course will be adopted on the present occasion unless the right hon. Gentleman consents either to restore the privilege of access to the Tower Wharf, or to afford some clear and satisfactory explanation of the reasons why that wharf is not to be devoted to the use of the public, as in former times.

Motion made, and Question proposed, "That Item A, Salaries of the War Office, be reduced by £500."—(*Mr. Montagu.*)

(7.49.) COLONEL NOLAN (Galway, N.): Of course the Committee is aware that a Motion for the reduction of the salary of the Secretary for War is merely

put forward as a medium for discussing a particular grievance, and that it is not at all aimed at the right hon. Gentleman; indeed, if it and the other Motions for the reduction of his salary were to be agreed to the right hon. Gentleman might find that he would be without salary altogether. Of course the public will understand that Motions like this for the reduction of the Secretary's salary are a mere Parliamentary fiction, enabling us to raise certain questions upon which we think discussion is desirable. I may say that I have always taken an interest on matters relating to the Tower. I served on the Committee appointed to consider the question of the Wharf Bridge, and only a week ago I went to look at the place to see what objections could be offered by the Secretary for War to this proposal. The right hon Gentleman stated, on a former occasion, that the opening of the wharf would create difficulty in relation to the landing of stores. I think that that objection is really an insignificant one. There are only about 200,000 rifles stored in the Tower, and I believe that only about five barges a year are unloaded at the Tower Wharf, which affords a large open space between 200 and 300 yards in length. I do not think it would be found that the admission of the public to the wharf would interfere in any way with the unloading of the few barges that go there. I believe that this argument about the unloading of stores is a fiction, and that there must be some other reason behind. If the argument be that the closing of the wharf is necessary for the defence of the Tower, I would ask the right hon. Gentleman whether it is so regarded by the Constable of the Tower and the other high Military Authorities. There is a ditch between that wharf and the outside buildings connected with the Tower, and it would be perfectly impossible to attempt to take the Tower from that position. Indeed, if such a thing were attempted, the wharf would be about the worst spot from which any assault could be made. This being so, I can only attribute the objection to opening the wharf to the fact that there are certain officials who, for their own particular objects, desire to exclude the public. I do not suppose the hon. Member for Whitechapel desires us to pass an Act of Parliament to hand the Tower Wharf over to his constituents. I have no doubt he would be content to see it put on the same footing as the barrack field at Woolwich, where the Commandant can always close that field to the public at any time he may think proper. Indeed, they never hesitate to turn the people out when they want the field for cricket, lawn tennis, or any other purpose, in which no doubt they are quite right, but as it is the public get as much use of the place as they require. So in the case of the Tower Wharf, if barges are coming there to unload it would be very easy to exercise the power of excluding the public, and, of course, in time of war, when the Tower might be used as a real depository of military stores, the Government would be justified in keeping that wharf entirely to themselves. As it is, however, there is no such necesssity, and the public are unnecessarily excluded.

*(7.58.) THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): I have, since the discussion of last year, again very carefully considered this question of throwing open the Tower Wharf, and I can assure the Committee that I have approached the matter with a desire, as far as possible, to promote the interests of the seething population in the neighbourhood of the Tower. Indeed, the present Government have already demonstrated their desires in this direction by throwing open the gardens on the other side of the Tower, a privilege which has been used without detriment to the Government, and, doubtless, with great advantage to the public. But I am bound to say that the opening of the Tower Wharf is very strongly objected to by the Military Authorities, who have considered the question as well as myself, and have come to the conclusion that it would not be consistent with their duty to throw this wharf open to the public. The hon. and gallant Member opposite has drawn a parallel between this wharf and the barrack field at Woolwich, and, no doubt, the parallel was a very ingenious one, but I am compelled to oppose it on very different grounds from those urged by the hon. and gallant Member. The Tower is, as the hon. and gallant Member said, largely used as a

storehouse, and there would be great in convenience, not to say danger, if the Military Authorities were deprived of the fullest and most unrestricted use of the wharf whilst stores are being dealt with. Having made a personal examination of the place, and given the matter the very best consideration I can, I have come to the conclusion that the request made cannot be acceded to.

*(8.1.) MR. MONTAGU: The right hon. Gentleman has not specified the danger that would arise from the admission of the public, and there is a very large space available for a promenade. I would urge upon the right hon. Gentleman that the very narrow walk in the Tower gardens is quite insufficient to meet the needs of the population, and would remind him that the terrace at Windsor is thrown open by Her Gracious Majesty to the public on Sundays, and I would ask the right hon. Gentleman to consider whether, in this case, an experimental exception cannot be made on Saturdays and Sundays, when, surely, the admission of the public would not interfere with the landing or embarking of stores?

*MR. E. STANHOPE: I shall be very glad to consider that point, but I cannot give an answer until I have done so.

*(8.2.) CAPTAIN VERNEY (Bucks, N.): We shall be very glad if the right hon. Gentleman is able to tell the Military Authorities what pressure has been put upon him in the House. It may very well be that it is of less importance to use the Tower as a storehouse than to give free access to the riverside to the seething population of the district. A storehouse can easily be found at some spot on the river bank, where it will not interfere so seriously with the enjoyment of the people. The right hon. Gentleman evidently feels himself, as much as we do, the importance of this question, and I believe he will welcome a little pressure being put upon him by the public.

*MR. MONTAGU: I will withdraw the Motion.

(8.4.) DR. TANNER (Cork Co., Mid): The right hon. Gentleman said there would be danger to the public in opening this walk. Are we to understand that combustibles are stored in the Tower? We know that empty rifles are not objects of danger to the public. If the Tower is used as a storehouse for explosives, I maintain that there will be very serious danger to the seething population on that side of the City. I would appeal to the right hon. Gentleman to look at the question in a common sense way, and with the object of benefiting the people of the district. It is ridiculous for the Military Authorities to say there is danger in opening the river side walk, when the moat and gardens are open to the public. I insist upon a reply to my question, whether combustibles are stored in the Tower?

*(8.7.) MR. E. STANHOPE: I am certainly not prepared to say what is in the Tower.

DR. TANNER: What I want to know is, are combustibles stored in the Tower of London?

*MR. E. STANHOPE: What we have in the Tower depends entirely on the requirements of the Service.

DR. TANNER: Of course, the public will be able to form their own judgment from the character of the right hon. Gentleman's reply, and I hope the public will take very good care that no such things as lighted pipes are to be seen in the Tower Gardens in future. I have put the question entirely on the ground of public safety, and I sincerely hope the public will take notice of the equivocating reply of the right hon. Gentleman.

Motion, by leave, withdrawn.

Original Question again proposed.

*(8.9.) MR. BRADLAUGH (Northampton): I wish to bring before the Committee a question affecting the Secretary for War and also the Under Secretary for India. It relates to the charge for military stores made by the War Office upon the Government of India. It appears that a dispute has been going on, I am sorry to say altogether for nearly 20 years. During the past year an attempt has been made to submit it to arbitration, but the Secretary of State for India has refused to let it be so submitted. The allegation made on the part of the Government of India, as far as we can judge from the accounts submitted to this House, is that charges of an exorbitant nature have been made against the Government of India for stores. The Government of India, as I understand it, have never assented to

that price, and have paid on account of it, as I understand, only something like 90 per cent., leaving the 10 per cent. in suspense. It surely is most unbusiness-like, even if it be true—and I believe it is not the case that the 90 per cent. represents the real cost—that year after year there should be a discrepancy in the accounts.

*MR. E. STANHOPE: Mr. Courtney, I do not know whether I am right in asking you whether this discussion in regard to the issue of warlike stores should not have taken place on Vote 6, which deals with warlike stores?

*MR. BRADLAUGH: On the point of order, Sir, I wish to submit that I am attacking the Secretary for War for having refused to submit the claim to arbitration. It is on that ground that I am basing my statement to the Committee, the facts I am using being merely illustrations used to enable the Committee to understand my complaint. I shall be quite content if the Secretary for War will now say that during the coming year some steps shall be taken to put an end to an undignified dispute between two great Departments of the State, and in which it is alleged that overcharges are made against the Government of India. I was about to appeal to the Under Secretary for India (Sir J. Gorst) on behalf of the starving population of whom he was speaking the other night, to state the facts and the steps taken to try and induce the Secretary for War to submit the question to arbitration.

THE CHAIRMAN: It seems to be a question of policy as to the mode of settling the dispute. If that be so, it is debatable upon this Vote.

*MR. BRADLAUGH: It is a rather long story, and I have no wish to take up the time of the Committee if the Secretary for War will state that the matter shall be dealt with by arbitration during the next six months or something of that kind. There is a real *bonâ fide* case. The auditor of the India Office has reported directly against the War Office, and I shall have to appeal to the Under Secretary for India to place before the Committee the written opinion of the auditor on the subject. If the Secretary for War will not say that the matter shall be submitted to arbitration it will be my duty to submit the whole case to the Committee, and, if necessary, to move a reduction of the Vote. It is really a rather gross matter, and will entail the production of a large amount of detail.

*(8.13.) MR. E. STANHOPE: The hon. Member may or may not be aware that there are a number of outstanding questions between the War Office and the India Office. Some questions of the kind were settled by a tribunal over which Lord Northbrook presided, and which is practically a standing Committee, meeting from time to time. Other questions are settled by the Goverment as a whole. The Cabinet has perfect competence to decide such questions, and it does decide them as they arise. I cannot give the hon. Member any other answer than that.

*(8.15.) MR. BRADLAUGH: That is not sufficient, because it appears that the Under Secretary for India asked the Secretary for War to submit the question to arbitration, and that request was declined by the War Office. I appeal to the leader of the House (Mr. W. H. Smith) to say whether he intends at this period of the Session to force on a Debate which must be lengthy, in which I admit my information must necessarily be incomplete, and in which I must ask the Secretary for War to give me further information. What reason can there be for not submitting this to some tribunal? I do not want to waste the time of the Committee in the matter. We find the Under Secretary for India saying "Lord Cross is unable to withdraw the claim." What is the claim? It is one, rightly or wrongly made, that the War Office have been overcharging the Government of India? I do not wish to ask the Committee to express any opinion on that, but I shall ask them to do so if I do not get an assurance that this matter will be made the subject of an investigation. I ask for an assurance that there will be some kind of arbitration, so that there may be no need for me to ask the Committee for an opinion.

*(8.17.) MR. E. STANHOPE: I am anxious at this period of the Session to avoid any unnecessary discussion, but I cannot pass by the observations of the hon. Member. It is utterly impossible for me to admit that anything unjust has taken place.

*MR. BRADLAUGH: I do not ask the right hon. Gentleman to admit that.

*MR. E. STANHOPE: If anything we have been too indulgent. All this has arisen because last year the Indian Government were treated very leniently, and were not charged the full value for the stores. As, however, there appears to be a difference between the two Departments, the Government will undertake that it shall be looked into and settled.

*(8.18.) MR. BRADLAUGH: And in the event of the two Departments not coming to an agreement will there be some arbitrament between them?

*MR. E. STANHOPE: No; the Government must settle their own affairs.

*(8.18.) THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): The Government, of course, are responsible for settling all differences that may arise between two Departments of the Government. I will undertake, on behalf of my right hon. Friend and the Government, that a fair settlement of this case shall be arrived at between the two Departments. There shall be an inquiry and a settlement.

*(8.18.) MR. BRADLAUGH: I will be satisfied with that, merely adding that if, unfortunately, no settlement should be arrived at, or no settlement should be in course of being arrived at by some investigation, I will take the earliest opportunity that next Session affords of bringing the subject before the House.

(8.19.) MR. HANBURY (Preston): Before we pass to sub-head "b" I should like to say a word or two as to the Civil Central Department and the Central Military Department. I desire, in reference to the question raised the other night in reference to Lord Hartington's Commission, to ask the right hon. Gentleman whether the statement he then made with regard to his intentions expressed his whole view of the steps that should be taken in order to carry out the recommendations of that Commission, because if that is so neither of the two most important objects embodied in those recommendations will be attained. Those two objects were—first, to fix responsibility upon some political person for the administration of the Army, and the other was that an expert officer should be made responsible for the strength of the Army. Under the present system, neither the Secretary for War nor the Commander-in-Chief is really responsible for anything, and it is impossible to punish anybody when anything goes wrong. It is impossible, if things go wrong, to prevent them coming to Parliament, and saying, "Our duties are so immense that, although we assume responsibility for everything, we are only fallible men, and we have more duties thrown upon us than we can attend to ourselves; there is no proper sub-division of duty in the War Office, and though we are nominally responsible our responsibility is a farce." In addition to all this responsibility thrown on these two great offices you have this further fact, that it is impossible to bring home responsibility to the Secretary of State for War. Take, for instance, the failures we have had in our Army lately in regard to our great guns, our swords, our bayonets. Under this system it is impossible to punish anybody. If we attack anyone very low down in the Department, the Secretary for War very chivalrously comes forward and says, "I will bear all the responsibility." That sounds very fine, no doubt, but it means nothing at all, because his responsibility is only a Party one, and if anything goes wrong the Party say, "That may be wrong, but we have to keep the Unionist Party in power—or some other Party in power—and we must back them up." It is the same in the case of the Commander-in-Chief. As long as we have a Royal Duke for a Commander-in-Chief, and a Secretary for War who is backed up by Parliament, that state of things must necessarily continue, and it will be impossible to drive home responsibility. The Commander-in-Chief, as an expert, ought to be responsible for maintaining the strength of the Army at a proper point. But in neither the Army nor the Navy is this principle adopted. I was astounded, on the Committee on the Navy Estimates, at the answer I received from Sir Arthur Hood to a question I put to him as First Sea Lord of the Admiralty. I asked—

"Before these Estimates were framed, did you even take into your calculations what were the requirements of this country, and what

the strength of the Fleet ought to be, because if you did not do that as Executive Officer, these Estimates are all illusory, and we do not know whether we have voted too much or too little."

He replied—

"I did not do that, and within my knowledge it has never been done."

That is the way we vote this money. In the case of the Duke of Cambridge, in July or August last year His Royal Highness went about the country complaining that we ought to have 9,000 or 10,000 more men to render our Army efficient. Did the noble Duke impress that on the Secretary for War before the Estimates were framed? He did not, and I say, therefore, that such a thing is ridiculous. We ought to have an expert to whom we can look for advice on such a matter as this—a man who, having vast knowledge on the subject, can form a reliable opinion as to what the forces of the country ought to be. We ought not to allow the Military and Naval strength of this country to depend upon mere Party emergency. I hold that the most important recommendation of the Royal Commission has not been dealt with at all. Then, again, the complaint has been made that the Commander-in-Chief, having no definite duties assigned to him, has a roving commission to go about and meddle and muddle everything; not that I wish it to be understood for a moment that the Duke of Cambridge does that, but I say that that is the result of our system of dual control without fixed responsibility. There is no definition of responsibility. There is no reason, if we keep a Commander-in-Chief, why definite duties should not be assigned to him. There is no other Army in the world, so far as I know, where a man who should lead the Army in time of war has a sort of roving commission to deal with all Departments of the War Office. It seems to me that to have Committees and Commissions and Councils to assist the Secretary for War, instead of having a well-defined sub-division of duties, is a step in the wrong direction, because my experience is that Commissions and Committees and Boards are simply things to screen responsibility. The object of any attack I make on this Department is to secure that there shall be one man to whom you shall look for responsibility if anything is wrong, and I hold that the more you depend on Boards and the like the more responsibility is hidden from the public eye, and the more difficult is it to trace it. With reference to the Committee of the Cabinet, I desire to know whether the decisions will be recorded?

THE CHAIRMAN: Order! I do not see how that question comes up under the sub-head we are now considering. As the sub-head contains the salaries of the Secretary of State and the Commander-in-Chief, the examination of their functions is quite permissible; but to enter into the question as to what is to be done by the Committee of the Cabinet appears to be out of order.

MR. HANBURY: I am anxious to know whether the statement the right hon. Gentleman made with regard to the Committee of the Cabinet applies also to the other Committees and Boards, because our great difficulty in regard to all these Departments and Committees is that we can never get at the facts of the case. Will the records of these Commissions and Councils be accessible to the public, and not only to persons within the War Office and the successors of my right hon. Friend? I now pass to the Board of Promotion, and I want to know whether the right hon. Gentleman is going to afford the officers an opportunity of testing their qualifications for promotion? At the present moment it is very difficult for anybody to find out who is the officer best fitted for promotion. In the German Army there is every opportunity of knowing who is fitted for promotion, especially in the higher ranks. There there is a school, so to speak, in which the future Generals are trained. The German Generals can be tested by being put in command of Army Corps. We have nothing of the sort here. We have not got an Army Corps to which——

THE CHAIRMAN: I fail to see how this comes under the sub-head at all.

MR. HANBURY: I take it that the Board of Promotion will be composed of officers connected with the War Office, and my argument is that this Board will carry us very little further than the present system. Under the present system there is no opportunity afforded to officers of distinguishing themselves, or of showing their qualification for promotion. I do not think it would be possible for my

right hon. Friend to go as far as they go in the German Army; but I do think he might throw a little more responsibility upon colonels of regiments and regimental officers, so that we may see how far they are qualified for promotion. I now wish to ask the right hon. Gentleman one or two questions with regard to the difficulties which have arisen within the last two or three weeks in regard to the Guards. I do not desire to say anything which will in any way interfere with the Secretary of State's control. In the first place, I have to ask, in regard to the Guards generally, whether he is going to lay down the rule that in future all the officers shall live in barracks, because what has taken place shows pretty clearly that the privilege the officers of the Guards have hitherto enjoyed ought to be done away with once for all. [Colonel NOLAN: Unmarried officers.] I do not know what is the origin of the outbreak; but I think there is a very strong public opinion that the officers of the Guards have not been in touch with their men as officers ought to be, and as I believe the officers of other regiments generally are. One can judge of this by small things. Coming down to this House I have noticed officers of the Guards going to the Wellington Barracks. I have seen them saluted by men, and yet take no notice of the salute. It makes me indignant to see that. It is not the conduct of officers or gentlemen; and we may depend upon it that things of this sort—

THE CHAIRMAN: Again I do not see the relevancy of the hon. Member's remarks. These are matters which ought to be entered into on the Vote for men and pay.

MR. HANBURY: Do I understand I am not entitled to ask the Secretary of State for War on this Vote the two following questions: Whether there were really any justifiable complaints on this matter—of course, whether they were justifiable or not the punishment of the men was richly deserved, because they took the wrong course to obtain redress—whether there were any justifiable complaints, such as complaints about barracks damages, food and sentry work; and, if so, whether the Secretary of State for War, or some other responsible person, is going to put an end to such a state of things, and whether the Secretary of State has provided, or the Regulations of the Army provide, any proper means by which privates, who are complaining of injustice done by their Commanding Officer or anybody else, can report their complaints to the Inspecting Officer when he comes round? It strikes me as a curious fact that, although this regiment was inspected only a few days ago, no complaints were made to the Inspecting Officer. Perhaps the right hon. Gentleman can give me some information on these points. (8.40.)

*(9.12.) MR. CUNINGHAME GRAHAM (Lanark, N.W.): I do not know how far the rules will permit me to enter upon a subject the hon. Member for Preston (Mr. Hanbury) has treated, I mean in reference to recent occurrences in the Guards, but I understand, Sir, you have allowed the hon. Member to address one or two queries to the Secretary of State, and I presume I shall be in order in following the same line to a certain extent. I do not take the same view with the hon. Member as to responsibility and control of Parliament over the Army. I hold that Parliament should have absolute control, both in general management and in matters of detail. That being the case, if you will permit me to enlarge, not at great length, on events which have recently taken place, there are two questions I wish to ask. It is inconvenient on a question like this to ask questions of a Minister who is not present, but if in order I will proceed, and perhaps the Financial Secretary can give me answers. I think it may fall within the scope of your ruling if I press the right hon. Gentleman for a clear and definite answer on two points, though I know that clear and definite answers are not particularly pleasant to a Minister, especially in regard to such grave circumstances as these upon which I have to comment. I should like to know whether it is contemplated to hold any sort of inquiry into the conduct of the officers who are responsible, I suppose, for the maintenance of discipline in the regiment. I do not wish to attribute any lack of judgment in dealing with the men to the officers or to any particular officer, but I desire to say that some officer evidently has not known exactly how to deal with the men in this matter, and that owing to that officer's want of tact

and judgment a state of things has arisen which the Duke of Cambridge characterised as being almost unparalleled and as reflecting grave discredit on one of the first regiments in the British Army. When the Commander-in-Chief commits himself to a statement of that kind, the House of Commons ought to allow considerable latitude in discussing the question. When we see a regiment of which we are all justly proud ordered away at a moment's notice, and in a way in which it has not hitherto been customary to order a regiment abroad, I do think the Secretary of State for War, now that his salary is under consideration, might vouchsafe to us some slight modicum of information on the grave matters which have been going on in the interior economy of the regiment. I have always thought, in common with other Members, that it is not usual, nor I believe has it been usual, to send the Guards away except in case of war, and the last time they were ordered away I believe it was to Canada, complications existing at that time with the United States Government which it was thought might lead to war. But owing to the misconduct, or the alleged misconduct—for the public are absolutely ignorant of what did transpire —owing to the alleged misconduct of 6 or 7 men, all young men, we have this fine regiment ordered away at the expense of the taxpayers for an uncertain period to a place like Bermuda, which, though it may be an agreeable and healthy place of resort, is not the sort of place to which such a regiment would be sent in this particular juncture. I think we are entitled to know what really occurred at the barracks. So far as we know, and our only knowledge is derived from the Press, five or six men refused to turn out at bugle call and locked themselves in their quarters. and used some foolish and insulting words to their officer. For this, which may have been a harmless freak of very young men, almost boys, a very grave degradation—I think I may call it so—has been inflicted upon the smartest regiment in the Army; and I would ask why such a very severe sentence, ranging over a period of from 18 months to two years, has been inflicted on men for an offence which in other conditions of life would have merely called for reprimand? When men place themselves voluntarily under military discipline they must, more or less, take the consequences of their own act, but even to men under military discipline some fair measure of justice should be extended; and for a fault of this kind to inflict sentences which on civilians would only be inflicted for aggravated assaults or burglaries, or other crimes of the most serious nature, is a course which will tend to render it difficult to get recruits to enter Her Majesty's Army, and which may in the end prove subversive of that discipline Military Authorities think it will tend to strengthen. I shall not enlarge further upon that, I will merely press upon the Secretary for War that he should give a distinct answer on the point I have placed before him, and especially upon the point whether we may hope for a relaxation of the sentence upon the men, who I think at the very most were misled into a neglect of discipline. There is another matter I hope I may be in order in raising. I have addressed more than one question to the right hon. Gentleman on the grievances of General Mitchell—I do not know whether I shall be in order——

THE CHAIRMAN: That would come under the Military Vote, Vote 1.

*MR. E. STANHOPE: Vote 11 I think, Sir, would cover it—retired pay.

*MR. CUNINGHAME GRAHAM: I feel an uncertainty as to which ruling I am to follow?

*THE CHAIRMAN: The question may be raised on Vote 11.

*MR. CUNINGHAME GRAHAM: Then I will not now continue my remarks on that subject. I hope, however, that the Secretary of State will give some definite answer to my questions concerning the recent disturbances among the Guards.

(9.22.) COLONEL HUGHES (Woolwich): I desire to move that the salary of the Secretary of State for War should be reduced by the sum of £100, for the purpose of bringing before the House a miscarriage of justice which has happened in connection with the Department over which the right hon. Gentleman, speaking generally, so ably presides. Some two months ago I presented a Petition from certain labourers employed at Woolwich Arsenal, and this was ruled out of order, because it applied for an increase of wages, and

thereupon I sent it through the heads of the Department at Woolwich to the War Office. I have a letter from the Commissary General, Colonel Ingram, acknowledging receipt, and this is dated May 14.

*THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. BRODRICK, Surrey, Guildford): As a matter of order, I would point out that the amount for wages was included in Vote 1, and that this has nothing to do with the Vote under discussion.

THE CHAIRMAN: I was waiting to hear the exact point of the hon. and gallant Gentleman's complaint. If it refers to wages only, then it is relevant to Vote 1.

COLONEL HUGHES: At the present moment I am waiting to hear a reply to that Petition, and this has not yet been received, and I take it this involves a complaint of the conduct of public business in the Department of which the right hon. Gentleman is the head. I am desirous of enlarging my remarks and to deal with what the petitioners desire; and, subject to your ruling, Sir, I feel sure I shall have the sympathy of the Committee.

THE CHAIRMAN: If the hon. Member complains of delay in not attending to a communication from himself to the Department he must confine himself to the facts in relation to that delay.

COLONEL HUGHES: Submitting myself to your guidance, Sir, I will confine myself to that. The letter of acknowledgment was dated May 14. The Petition related mainly to labourers in the Ordnance Store Department to the number of nearly 1,000. Colonel Ingram informed me he had forwarded it to the War Office. Yesterday I applied to Colonel Ingram to know what had become of it, and to-day I have received a reply from that officer stating that no answer had been received from the War Office. Now, under these circumstances, no reply having been received, these men being in the employ of a Government Department, having a grievance and having applied to the heads of the Department for redress in a Petition sent under cover of a letter from myself, and two months having elapsed without any reply beyond a bare acknowledgment from the official to whom it was immediately sent, I feel it is a duty to my constituents that I should mention the subject-matter embodied in the Petition.

THE CHAIRMAN: Order, order!

COLONEL HUGHES: On a former occasion, when I endeavoured to move for a Committee of Inquiry, I was told that I should have an opportunity on the Estimates of raising the question on a Motion to reduce the salary of the official immediately concerned, but to my mind it is much better to appeal at once to head quarters. I have no complaint to make against those in charge of the particular Department where the complaint originates. I know they spend all the money they can get from the Treasury for wages; my complaint must be of those responsible for the Estimates.

THE CHAIRMAN: If the complaint refers to the inadequacy of pay, it ought to be brought forward on the Vote containing the amount for the wages of the men.

COLONEL HUGHES: I could only raise the point by moving a reduction, and that would be placing myself in a false position, for my complaint is that the wages are now insufficient. If, by the Rules of discussion, I must place myself in such a ridiculous position, I will do so to secure my object, but I thought that as payment of wages is made under the authority of the Secretary of State, I could raise the subject now. If this is not so, Sir, what Vote do you suggest as relevant to the purpose? This may appear amusing to hon. Members, but it is no laughing matter to those men on whose behalf I am pleading. I desire to do my duty to my constituents, and I think I am entitled to assistance, not only from the Chairman, but from hon. Members around me.

THE CHAIRMAN: The hon. Member must find out the Vote upon which the question of pay arises, and upon that bring forward his complaint.

(9.30.) DR. TANNER: The hon. and gallant Gentleman has addressed several letters to the War Office, and simply because he stood up for poor working men in his own constituency he has been treated in a contemptuous way and has received no proper answer. As far as I can gather from the remarks of the hon. and gallant Member, the War Office have not behaved with courtesy to him, or in a way in which a Public Department

should behave. I do think that some explanation is now due from the Secretary for War, because I gather that there must be some fire in the complaint raised, and that it is not all smoke.

*(9.32.) MR. E. STANHOPE: I am only too glad to have this opportunity of answering.

DR. TANNER: It is very hard to get you up.

*MR. E. STANHOPE: I am only too glad of this opportunity of saying a few words in reply to my hon. and gallant Friend. He complains that certain labourers have not received an answer from the War Office. But I may mention that when the Petition was received a letter was written to the hon. and gallant Member who had made certain allegations which were highly misleading, and he was asked to point out what labourers were receiving 25s. or 30s. a week. All this time we have been awaiting a reply to that question. But I do not wish to get rid of this question on that point. No doubt some of the labourers in the Ordnance Store Department have been asking for an increase of wages. I hope that these men will approach me in a proper manner. They must not approach me through the hon. Member.

DR. TANNER: Why not?

*MR. E. STANHOPE: They must approach me through the head of the Department.

DR. TANNER: Yes, on their knees.

*MR. E. STANHOPE: I hope and believe that the men, if they are well advised, will adopt that course. If they do, they will get an answer in a few days, for I never hesitate for a moment to listen to complaints which reach me in a legitimate manner. I have listened to the speech of the hon. Member for Preston, and I confess I do not recognise in his description any resemblance to the War Office as it now exists. He asks me for certain particulars about the records of the War Office Council. All I can say is that the proceedings referred to are recorded for the benefit of the Government that is and the Governments that are to come, and not to be communicated to the public. I cannot gratify the hon. Member for Preston with the information he desires, and I believe it would only be an additional means of finding fault with the Estimates.

MR. HANBURY: I only desire that in cases where the Secretary for War takes a course contrary to that advised by the Council the fact shall be made known, so that the House in case of necessity may attach the blame in the right quarters.

*MR. E. STANHOPE: I am not prepared to do that. With regard to the questions relating to the Guards, the hon. Member for Preston asks me whether I will lay down a rule that all officers of the Guards shall reside in barracks, and he spoke of abolishing what he called the privileges of the Guards. One of those privileges is that they pay for their own lodgings. For my part, I should be exceedingly glad if I could provide that the officers should reside among their men; and although I am not going so far as to require every officer henceforth to reside in barracks, yet I think that a fair proportion of the officers—at any rate, the unmarried officers—should have the means afforded them of living in barracks.

MR. HANBURY: Is the right hon. Gentleman going to treat the officers of the Guards in exactly the same way as the officers of other regiments?

*MR. E. STANHOPE: In other barracks quarters are provided for the officers. I should, indeed, be glad to provide accommodation in the barracks for the officers of the Guards.

MR. HANBURY: Why not?

*MR. E. STANHOPE: It is easy to say "Why not?" but the hon. Member must know that the space in Wellington Barracks and Chelsea Barracks is limited. Then the hon. Member asked me as to complaints and their nature. He requested me to tell him whether or not they were justifiable, and what I have to say in reply to that is that I do not intend to give any information. I do not think it would be in the interest of the Public Service——

MR. HANBURY: May I again interrupt the right hon. Gentleman?

*MR. E. STANHOPE: No, no. I shall decline to afford any opportunity either to the hon. Gentleman or the House to discuss this. This is a question on which I do not propose to give any information at all.

MR. HANBURY: What I asked was whether there were any justifiable complaints, and whether the complaints are

going to be remedied. I ask that purely as a matter of fact and for our future guidance. We have heard a great deal on the subject of rations and as to sentry duty. I only want to know if these complaints are to be gone into.

*MR. E. STANHOPE: Any complaints that are made I am ready to consider. If I find anything in them I shall be happy to remedy them, but I am not prepared to give the House of Commons any further information on the subject. Then the hon. Member asked as to the opportunities the men have of bringing forward their complaints. Well, every soldier in the Army has a book telling him in the plainest way the mode in which, if he has any complaint to make, he can make it. In that book the soldier is told that if he thinks himself wronged he can make complaint to the captain. If he thinks himself wronged by the captain he can complain to his commanding officer, and if he thinks himself wronged by the commanding officer he may complain to the general or other officer commanding the district or station. The officer to whom complaint is made must, in due course, make inquiry. I cannot pass this by without saying one single word. I have tried to deprecate strongly any interference with the discipline of the Guards, and I hope that I carry with me the general sense of Parliament. But I hope the Committee will not run away with the notion that because of this unfortunate occurrence in one single regiment of the Guards, therefore they must look with suspicion on the brigade of Guards as a whole. The Guards have a most honourable record. They have served in all parts of the world with distinction, and at all times when serving in London the Guards have met not only with the approval of those who command them, but the public have had every reason to be satisfied with the conduct and discipline of the Guards. I, therefore, repudiate, in the strongest way, the idea that because one battalion has offended the whole brigade of Guards should be blamed, or held open to censure and criticism. They have hitherto deserved well of their country.

DR. TANNER: I rise to order. I wish to ask whether any hon. Member has imputed any blame to any other battalion of the Guards than the 2nd Battalion?

THE CHAIRMAN: The right hon. Gentleman is perfectly in order in the statement he was making. The hon. Member is under a complete misapprehension as to what constitutes a point of order. The question of order is one of form, and not of substance.

*MR. E. STANHOPE: As this Vote has now been under discussion for two days, and as the hon. Member behind me (the Member for Stockport) has a very important and interesting question in connection with it to bring forward, I hope that the Committee will now proceed in a businesslike manner to dispose of it.

(9.46.) COLONEL HUGHES: My right hon. Friend has said that I failed to answer a letter which was sent to me. That letter was an inquiry as to the wages of the labourers in the iron works, whereas the Petition referred to the labourers in the Ordnance Stores Department. That Petition was signed by 900 men, and I wish to know whether that can be sent direct, or whether a fresh Petition must be signed?

*MR. E. STANHOPE: I should recommend that the Petition be withdrawn and sent in in the ordinary manner.

(9.48.) MR. A. O'CONNOR (Donegal, E.): I propose to deal now with one item on the Vote, *i.e.* that of the pay of the Commander in Chief. The right hon. Gentleman the Secretary for War is constitutionally the representative of the Army in this House, and he is responsible to Parliament for the general administration of the Army. The Commander in Chief is at the head of the combatant portion of the Army, and is directly responsible to the Sovereign for the discipline and command of the Force. I entirely agree with the right hon. Gentleman that it is not a proper thing to bring before Parliament questions of internal discipline in connection with any particular regiment unless it becomes a matter urgently requiring the attention of Parliament. This is not a Committee of public safety. If it were, it would probably result in evils as great as those which cropped up in France. But at present we are asked to vote a certain sum of money for the pay of the Commander in Chief. I presume we are to infer from that that it is the intention of the Government to continue the Commander in Chief in his present position, and at his present salary, and

yet having regard to what we have learned recently it appears rather strange that that should be so, because we have had a Report of a Committee accepted by the Government with regard to the positions and functions and responsibilities of the Commander in Chief which points in a different direction. The representations of the Committee are of a very serious nature. The Commander in Chief is entrusted now with a variety of functions. He is not only the Commanding Officer in Chief fulfilling duties which attached to the office when it was established in 1793, but he has also since had thrown upon him responsibilities for work previously discharged by officers who were heads of a variety of Departments. The Committee which sat under the noble Lord the Member for Rossendale declared that the present system resulted not only in overloading the Commander-in-Chief, but also in weakening the sense of responsibility in all the officers subordinate to him, but who were responsible to the Secretary of State only indirectly and through the Commander-in-Chief. It has been suggested that on the occurrence of a vacancy certain changes should be carried out, and that in these changes regard should be had to the responsibilities to Parliament of the Secretary of State, the improvement of the consultative functions of the professional advisers of Ministers, and the direct responsibilities to Ministers of officers charged with well-defined duties. What are those duties? Outside the duties proper of the Commander-in-Chief are all the subsidiary services without which an Army could not be worked. There are the Commissariat Department, the Clothing Department, the arrangements for transport and locomotion at home and abroad, the medical treatment of men in peace as well as in war, and last, but not least, the question of fortifications. Now it is impossible for anyone to discharge all these miscellaneous duties without weakening the responsibility of the officer in charge of the subsidiary service. Now, I think we are entitled to an explicit statement by the right hon. Gentleman on the points I am raising, namely, whether it is intended to continue the present Commander-in-Chief in the same position, with the same responsibilities and with the same emoluments, during the whole of the ensuing financial year.

*MR. E. STANHOPE: Yes, Sir.

(9.57.) MAJOR RASCH (Essex, S.E.): I wish to call the attention of the Committee to a subject of considerable importance, namely, the employment of reserve and discharged soldiers in various Government posts, such as clerkships and writerships, and as messengers and porters. This was a very important question, when considered in connection with the difficulties of recruiting. The Report of the Inspector General of Recruiting forms far from satisfactory reading, for it states that although the quality of recruits has been reduced, it is still impossible to get the required quantity of men. Several nostrums have been suggested, among them being the raising of the pay and the bounty, the better feeding of the men, and the finding of employment for reserve and discharged soldiers. If you do the former the money will only go into the canteen, if you increase the bounty you place a premium on desertion. As to food, I cannot agree with the Report of the Committee, which suggests that the bread should be baked in 2lb. instead of 4lb. loaves, for I think the soldier should have a meal between dinner time and breakfast time the next morning. It is, therefore, to the question of employment that I think we must look for a remedy. I think it would be a distinct advantage to the Public Service that men attached to a regiment should be enabled to keep in contact with their original trade, so as to be fit to resume it when they retire from the Service. During the last five years the Association for the Employment of Discharged Soldiers has procured employment for 5,000 men, and yet it receives but £200 a year from the Government, while the War Office Vote is £250,000. That is but a small quantity of bread to such an intolerable deal of sack. I think the matter is well worthy of consideration.

*(10.1.) CAPTAIN VERNEY (Bucks, N.): I shall move that the Vote be reduced by the salary of the Commander-in-Chief, £4,500, and I do not see how it is possible for the Committee to avoid doing so on that question. I understand

that the right hon. Gentleman said in this House that when a vacancy occurred the duties of the Commander-in-Chief would be divided in an entirely different manner, and with great advantage to the Army. Are we to be told that because the Commander-in-Chief does not resign the Army is to remain in its present state? The Government have put off the Army and Navy Estimates until this late period of the Session, and then deprecate any discussion of the Estimates. I hope hon. Gentlemen on this side of the House will sit until the middle of September rather than allow the Vote to be taken without proper discussion, especially after the enunciation distinctly of a sound policy by the right hon. Gentleman himself. I move the reduction of the Vote by £4,500.

Motion made, and Question proposed, "That Item A, Salaries of the War Office, be reduced by £4,500, the Salary of the Commander-in-Chief." — (*Captain Verney.*)

*(10.5.) MR. E. STANHOPE: I rise at once to take up the challenge of the hon. Gentleman. I never heard the reduction of a Vote moved upon more slender or meagre grounds. I can quite understand a Motion for the reduction of the salary of the Secretary of State or anybody else connected with the War Office; but when the hon. Member takes upon himself what is, after all, an immense responsibility, he ought to give some reasonable grounds for it, while the only ground the hon. Gentleman gave was a misquotation from himself. All that I said was that I adopted entirely the language of the Royal Commission, that it was not likely that any successor of the Commander-in-Chief, if there was to be one, could for a long period of years have the same authority. The Commander-in-Chief has been in the service of his country for over 50 years, and he must have greater authority in the administration of the Army than any man who might succeed him for a long period. At any rate, changes which might afterwards be considered could not be adequately considered now. I have taken exactly the ground which the Royal Commission has taken, and I cannot, therefore, believe that the hon. Member is serious in proposing the reduction.

(10.7.) DR. TANNER: We know that the Commander-in-Chief cannot live for ever. We all know that he is an old gentleman to whom nobody has imputed any bad conduct or anything wrong. But it has reached the ears of many through the Press that the Commander-in-Chief is about to retire, and that our Royal Duke is to be appointed; and I think it would be a very good thing if we could get some definite and explicit answer from the Secretary for War. But I rose for another purpose. I was passing along by Wellington Barracks early in the morning, and I saw crowds of weeping women there who were not on the strength of the regiment which was going abroad. I would ask whether any provision is going to be made for these poor women, or are they to be left destitute?

*(10.10.) CAPTAIN VERNEY: The right hon. Gentleman says I misquoted him, and I consider that is sufficient ground for withdrawing my Motion, because it was only because of what I understood he said that I moved it. I beg leave to withdraw my Motion.

Motion, by leave, withdrawn.

Original Question again proposed.

DR. TANNER: It appears to me that numbers of these poor people will be thrown into the workhouse unless something is going to be done for them. As an Irishman in London, I would ask whether anything can be done to alleviate the suffering caused by sending this regiment abroad?

*(10.11.) MR. E. STANHOPE: I am very sorry indeed that such cases should arise as the hon. Member has called attention to. When a regiment is sent abroad, there must necessarily be cases of considerable hardship. But, then, there is a good deal to be said on the other side. It would have been much better if, before marrying, the men had waited until their short period of service had expired. I hope something may be done by the charitably disposed.

MR. JEFFREYS (Hants, Basingstoke): Sir, with regard to discharged soldiers, I wish to call attention to the difficulty experienced in finding suitable employment for them, because, though they have served with the colours, they rarely know any trade. I would suggest whether it would not be possible to

have technical schools attached to the regiments?

THE CHAIRMAN: The hon. Gentleman's observations are not in order. The hon. Member for Essex ingeniously connected his remarks with the pay of the Inspector General of Recruiting, but that was rather an evasion of order.

*(10.13.) MR. JENNINGS (Stockport): Mr. Courtney, I desire to draw attention to the expenditure on the Vote, though I am almost disinclined to go on with the discussion on account of the time which has already been consumed on the Vote. The subject is one of very considerable importance to the Public Service. For the organisation of the War Office the Secretary of State is not in any way responsible. It existed long before the time of the Secretary of State, and I doubt whether it is in the power of the right hon. Gentleman entirely to remedy its defects. The organisation is cumbrous, extravagant, and defective. If hon. Members look down the Vote it will be seen that the characteristics of the office are extravagant salaries, a larger number of persons to do the work than are required, and a constant tendency to accumulate high pensions. These are characteristics of other offices besides the War Office, but no other possesses them in greater perfection. In spite of reorganisations and large bonuses paid to persons to go out of office who ought never to have been in, at this moment the office is ludicrously overmanned. There are no fewer than five head accountants, costing £5,800 a year, besides a large number of principal and senior clerks. There is also an elaborate system of reduplication of work going on outside the War Office itself, and it is obvious to all of us that any Secretary of State, with a real eye to business, must sincerely wish that he had it in his power to make a clean sweep of the whole concern, and start afresh on a rational basis. At the present moment the staff of clerks and draftsmen cost £144,812 a year, while the copyists and boy clerks cost an additional sum of £8,800, making nearly £154,000 for clerical labour alone. It would be needless to say anything about this amount if the labour were indispensable, and if the sum paid for it were reasonable. A great part of the labour is, however, entirely superfluous, and it is paid for at an extravagant rate. I find that there are 18 principal clerks receiving salaries of £880 a year; 47 in receipt of £650 a year; and 31 receiving £480 a year. As times go, these are not bad salaries, especially when we remember that there are always pensions accruing upon these salaries, and that the whole of the clerical staff have not only the usual holidays at Christmas and other times, but that they have also a vacation of a month or six weeks during the summer; some of them getting as much as seven weeks off duty in the course of the year. I quote this fact from the evidence given before the Committee, of which I was a Member, by Mr. Knox, and I would point out that this estimate does not include the Saturday half-holiday which continues all the year round. If an advertisement were put in the papers for a clerk on these terms, Westminster Hall would not be large enough to hold the applicants. There is no doubt that the heads of the Departments work much longer and much harder than the clerical staff, and this may apply to some of the principal clerks to the heads of Departments, but these are the rules of the office, and rules of this kind are never wantonly infringed. No doubt it will be said that these clerks perform duties of a very onerous and difficult nature; but when this is the case, I think it is the exception rather than the rule. We are not left in any doubt or to vague conjecture on this subject, because the Royal Commissioners and the Select Committee of this House, who have gone thoroughly into the matter, have ascertained all the facts. They tell us there is a great mass of work at the War Office which only calls for ordinary intelligence, experience, and industry, and not for high intellectual attainments or advanced education. In their Second Report the Commissioners say the duties of the office can be done by clerks who have received an ordinary commercial education; but there are a large number of persons interested in the matter who wish us to believe there is something to do in Government offices which is not done elsewhere, and can only be done by those who have been properly initiated into all the mysteries. The fact is, that

the clerks in the War Office are remunerated at a rate more than double that which they would receive for performing similar duties in any commercial establishment of this or any other country. Take the case of a principal clerk at the Receiving House, with 50 clerks under him, and great responsibilities upon his shoulders. His salary is only from £210 to £300 a year. Why should the Government be called upon to pay more than the market value of the labour done? The only reason is that it offers the clerks a fixed position, light hours, easy duties, a certain amount of social prestige, and a pension; but surely these are not reasons for the payment of extravagant salaries. The Committee, of which I was a Member, distinctly explained that a large portion of the work consisted of simple repetition; that the number of clerks employed in the office, especially in the higher grades, far exceeded what was necessary; and that the proportion of supervising clerks to those supervised was far too large. I am afraid we shall be told that this arises from the difficulty placed in the way of re-organisation by the Resolution of the House in 1888. The condition in which we are in at the present moment is this: that notwithstanding the enormous expense of re-organisation in the past, there is a constant demand for new re-organisation. The moment one re-organisation is over the same machinery is set to work, and a new experiment in a few years becomes necessary. It is less than 12 years since a tremendous re-organisation was accomplished which cost the country over £40,000 in pensions and £110,000 in bonuses. What the public demand is that these Government offices shall be conducted on the same principles as prevail elsewhere, and that no more hands shall be employed than are needed to do the work. Furthermore, if there is nothing for the clerks to do, they must be called upon to retire on pensions obtained from a fund to which they have themselves contributed. During our investigation at the War Office we obtained a list of clerks retired under the age of 50 and found that there were 39 of them. They were retired at over half their full salaries, and bonuses of from £500 to £1,000 each. The public will not tolerate this operation again. I should like to call attention for a moment to a statement made on the undeniable testimony of a very competent witness. I allude to Sir R. Thompson, the Permanent Under Secretary, who admitted that much of the highly-paid work in the War Office could be dispensed with. Red-tapeism is supreme. Evidence has been given about a pane of glass of the value of 4s. 6d. which was broken. It took six months and an immense mass of correspondence to decide which Vote it should come under. Evidence has been given by a clerk at the War Office as to his daily duties, and that evidence related to a particular day selected by himself. All this Upper Division clerk, receiving a large salary, had to do was to certify that certain work had passed through his hands. He declared that the most important part of his daily duty was to see that the observations of a clerk of a Lower Division upon an account were grammatical — for it seems that an ordinary Lower Division clerk is very shaky in his grammar until he passes to the Upper Division, when increase of knowledge comes with increase of salary. I feel sure that if the Secretary of State for War had to re-construct the Office throughout, he would place it on a very different footing from that on which it stands at present. Another clerk, named Huggett, was called before the Commission and was asked whether there was not a great deal of unnecessary supervision, and he replied that there was. The fact is, that those who are supposed to check, examine, and supervise, leave the duty to clerks below them, thus proving the superfluity of labour in the office. It is a curious fact for the Committee to consider that the Germans get this work done, notwithstanding the immensely greater number of their Army, for £160,000, while the cost with us is £258,000. But in the German War Office military clerks are engaged, and are occupied in useful work, and not in writing elaborate Minutes about a broken pane of glass. The necessary work of the War Office is done by them, and done exceedingly well, and no complaint has ever been made about them. This illustrates the point I have endeavoured to set forth. I see no reason, also, why officers on

half-pay cannot be engaged by the War Office, but red-tapeism is against them. I listened very carefully to the evidence of Mr. Knox, the Accountant General, a gentleman of great ability and of conspicuous devotion to the Service, and I was much surprised to hear him declare that the feeling in the Service is against the employment of military clerks. It is unfortunate that he should cherish a superstition against this system, especially as many high authorities in the Army are against him. Lord Wolseley and General Brackenbury, who are officers of high authority, have strongly recommended the employment of military clerks; and Lord Wolseley has stated that it would result in a large saving in civil pensions, in dispensing with highly-paid civil clerks, and in making the Army more popular. That is also the opinion of General Brackenbury, who told the Commission that he had never heard expressed even a suspicion of the military clerks not performing their duties properly. He declared that his own confidential clerk was almost entrusted with State secrets. Mr. Knox took a different view, and said that he would not trust military clerks. But there are already a large number of military clerks engaged at the War Office, and they do their work satisfactorily. In fact, there are 87 on this Vote, costing about £9,300 a year, while there are 394 civilian clerks, who cost £118,000 a year. The only objection, it seems, that is urged against the further employment of military clerks is that they might fall into collusion with contractors—that is, in short, they are not to be trusted; but that idea is ridiculous, and I deny that there is any force in the objection. Mr. Knox is in favour of the employment of University men in these positions, and the Chancellor of the Exchequer appears to support that view; but I contend that a University training, however desirable in itself, does not necessarily qualify a man to deal with business affairs. No great commercial firm would conduct its business on such principles, and on the same point the Committee may take the testimony of Sir Algernon West, than whom there is no higher authority in the Civil Service, who told the Royal Commission that a University man was of little use for this work without business experience. My objection to the selection of University men is not, of course, because they have had a University training, but because they receive far higher salaries than the nature of their work justifies the country in paying. It is often stated, in answer to this, that if these men had gone to the Bar they would have earned yet more money. But that is not certain; every barrister does not become a Lord Chancellor, with a purse-bearer. I undertake to say that there are many barristers now in practice who would be very willing to sell their wigs and gowns at half price if they could obtain desks at the War Office with salaries of £700 or £900 a year—salaries very much higher than the nature of the work justifies. But even if there were any foundation for the argument that if these gentleman had gone to the bar they would have made larger incomes, it is no answer to my contention. It is interesting to inquire what these clerks themselves have to say about their work. If it could be contended that this work is such as could not be performed anywhere else for less than £900 a year, I admit that the whole case would fall to the ground. One of the clerks in the War Office—a gentleman named Moir—went before the Royal Commission and told them plainly that there was no work in the Department which required even the mental attainments of a clerk in the Higher Division, and that a University man going into the War Office would, in the course of time, through the simple work he was constantly called on to do, utterly lose his brain power. Surely that is worse than anything I have presented to the House.

MR. A. O'CONNOR: In what Department is that gentleman?

*MR. JENNINGS: That I cannot say, as I did not make a note of the Department. I did, however, make a note of the number of the question, and I will give him that. It was question No. 4,824. Here we have a gentleman stating that a clerk in the War Office, simply through the performance of his routine duties, loses his brain power. Even Mr. Knox must be struck with remorse when he looks at the University wrecks who have gone to pieces on the rocks of £900 a year and a pension. I would not

have brought this case forward on my own responsibility, but I thought that at least the clerks in the office could be trusted to tell the truth about such a matter as this. I will not dwell upon the fact that the amount set down for messengers in the War Office is nearly £9,000. The redeeming feature in this, however, is that the men are old soldiers, who may, it seems, be trusted to carry a letter, but not to copy one. I contend that their services should be much more utilised than at present. I am not so unreasonable as to call on the Secretary for War to make a reduction in the Vote at once, and I do not ask him to do more than that he will in the future facilitate arrangements by which it may be possible to make necessary and useful reforms. No one who has examined the working of this office can fail to come to the conclusion that it is open to a good deal of reasonable reform. The fact that previous attempts at reform have not succeeded is no reason why further efforts in that direction should not be made. I will not, however, in moving the reduction of the Vote, press the Motion to a Division. I only wish to give expression to the opinion, which I believe is held by the public and by the House of Commons, that the expenditure is extravagant and ought to be reduced.

*(10.45.) Mr. BRODRICK: I am sure that no Member of the Committee can complain of the tone or substance of the hon. Member's speech. My hon. Friend has given great attention to this matter, and he was a valuable Member of the Committee who inquired into this and other War Office Votes. No doubt a considerable amount of evidence was taken on that occasion, and some of it, to which the hon. Member has referred to-night, would point to the necessity for some change in the existing system. At the same time, the hon. Member will not expect me to concur altogether in the gruesome picture which he drew of a War Office clerk condemned to short hours and a large salary losing his brain power through routine work, and unable to find any scope for his abilities. My hon. Friend will recollect that the evidence given before the Royal Commission referred to the War Office under the old system, before competitive examinations were introduced, and to the large number of clerks who dated from the old days of nominations. My hon. Friend will have noticed the enormous reduction which has been made in the number of Higher Division clerks receiving high salaries and entitled to large pensions appointed prior to the re-organisation. Originally there were over 200 of that grade, and our authorised establishment is 136, but they have been so reduced that the present number is 113, though I do not say that that number even is necessary for the work. I think that 60 or 70 would be nearer the mark, and proposals have been made to the Chancellor of the Exchequer for allowing some such limit to be drawn. The work to be done by responsible clerks is very large, and no man is now promoted to the higher posts except by selection, and when the Higher Divisions gets down to the normal level, the whole of its members will be employed on superintending duties, and we wish to carry on this process as rapidly as possible, as we regard it as to the advantage of the Public Service. My hon. Friend asserts that much of the work of the War Office is superfluous, and I am entirely in accord with my hon. Friend on that point. We have pointed out time after time that the principles upon which the House of Commons, acting through the Treasury, has forced the War Office to proceed in the audit of every single item of expenditure, are extravagant principles which could not possibly be carried out in any commercial enterprise. I must remind the Committee that the House of Commons is entirely responsible for these principles. The House cheers every allusion to the action of the Auditor General, and time after time we have been taken to task because my right hon. Friend the Secretary for War declined to allow the Auditor General to interfere in the practical new working of the department, not excluding such questions as those of contract, for which the Auditor General has no expert knowledge to guide him. With regard to the allegations of overpayment of the staff, we quite recognise that the great majority of the work of the War Office can be performed by men of ordinary intelligence and experience; and my right hon. Friend

is filling all vacancies by the appointment of Lower Division clerks—copyists. With regard to military clerks, it is desired that as many shall be employed as is consistent with the work to be done. But it is a question whether we should be wise to take officers of nearly 30 years' service and put them to superintending work now performed by civilian clerks whose numbers were being rapidly reduced. As to the employment of soldiers and non-commissioned officers, this is done now as far as work can be found for them, and it proves to be advantageous. The numbers of military clerks has gone on increasing year by year, and we shall continue to employ them as long as we find it is really economical and labour-saving to do so. As to the messengers of the War Office, the expenditure upon them looks large, although they are entirely old soldiers. The physical conformation of the War Office buildings is extremely difficult to deal with. The War Office, I might almost say, is scattered all over this part of London. There are nine separate buildings, and messengers have to be constantly passing to and fro. The cost of messengers must continue to look disproportionate until it is thought necessary to re-build the War Office at considerable expense. However, considerable reduction will be made in the Vote, the number of established messengers being diminished, and temporary messengers being employed instead. Proposals in several directions have been submitted to the Chancellor of the Exchequer for reducing the expenditure at the War Office. We recognise that a much smaller number of highly-trained men, with a proportionate number of men of ability suited to the work they have to perform, will be sufficient for us in the future. Of course, the number of men has grown enormously, and the work has grown enormously. We have under arms half as many men again as we had in 1860, and the labour of the Department is correspondingly increased. Our desire is to study economy in every particular in the appointments and the administration, and to relieve ourselves, if we can, of some of the superfluous work that is thrown upon us. We adopt the spirit of the suggestions made by my hon. Friend, and we feel grateful to him for the moderate and the practical manner in which he has put them forward.

(10.57.) MR. A. O'CONNOR: Anybody who has listened to the explanations of the hon. Gentleman will not be surprised that the administration of the War Office falls sometimes into a muddle. He admits that the staff of the War Office is excessive, and he goes on to say that the amount of work it has to do is very large; that it was imposed on it by the House of Commons, which insists on the work of the Auditor General being carried out to a ridiculous extent. I do not think that is any answer to anyone who knows practically the organisation and administration of the War Office. Three-fourths of the staff of the War Office in its upper grades might be done away with, and I think the continuance of that staff is a very considerable reproach to the existing administration. The hon. Member has stated that the clerks in the Higher Division were to be reduced in number from 113 to 60. Then why are the extra clerks retained at all? If the time of clerks is fully occupied it must be either with necessary or unnecessary work; and if any part of the work done is unnecessary it ought to be got rid of.

*MR. BRODRICK: There is no power to reduce the audit work, or to get rid of these gentlemen.

MR. A. O'CONNOR: No doubt there is a considerable amount of audit work, but it is not necessary to have it done twice over, and that which is the work of audit proper ought to be transferred to the staff of the Auditor General. No doubt there must be a sufficient clerical staff to enable the Department to know how much money it has expended and how much it has yet available. Having some knowledge of the Department, and having sat on the Royal Commission on Civil Establishments, I have no hesitation in saying that out of 47 senior clerks 30 might be dispensed with immediately; and out of 31 who have salaries of between £150 and £500, 20 might be got rid of. Many of these clerks are what is known as redundant; they were continued in the Department at the time of the last re-organisation. I contend that work might have been found for

them in other Departments in which appointments and promotions are being made. The Chancellor of the Exchequer shakes his head; but does the right hon. Gentleman deny that promotions and appointments have been stopped in the Civil Service until redundant clerks have had work found for them?

(11.5.) THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): I can assure the hon. Member that in the War Office, as in other Departments, the greatest difficulty has been found in dealing with redundant clerks; but you cannot stop promotions, for in that case there will be discontented service, and remonstrances will be made in this House by Members who will have their pockets full of complaints that the Government has been guilty of breach of faith.

MR. A. O'CONNOR: The right hon. Gentleman's explanation does not remove what appears to be the great blot on the system. Is it contended that a Civil servant has a vested right of promotion in his own Department irrespective of the public interests?

MR. GOSCHEN: Certainly not.

MR. A. O'CONNOR: Then if redundant men are transferred from Department A to Department B, and promotion is then stopped, why should there be an outcry in Department B which the Government are bound to recognise?

MR. GOSCHEN: It is human nature.

MR. A. O'CONNOR: Well, if human nature is to be yielded to, you will have cries from all directions. Human nature must not override the right of the public to obtain work from those whom it is bound to pay. The fact is, this House is, to a large extent, responsible for extravagance in the Civil Service, because both sides bring pressure to bear on a Member who does anything which remotely threatens what are regarded as vested interests. That is one reason why promotions and appointments are being made while there are still redundant clerks. Hard as it may seem to the country if work cannot be found for men, the Government will be justified in putting them on the retired list. It is said the men are over-paid for the work they do. In too many cases this is true. You have got into the Civil Service, if I may use the simile, horses to do asses' work, and having got these highly-paid men in the Public Service on certain conditions, you cannot dismiss them, and are bound to pay them their salaries. I do not propose that any very large, sweeping reductions should be made, but I do say that a very considerable reduction can be effected in the War Office in the higher ranks, and the change can be made without inflicting any great hardship on individuals by extending the system of transfer. Why should not men now in the War Office be transferred to the Treasury or the Colonial Office?

*MR. BRODRICK: One man has been transferred to the Treasury and one to another Office.

MR. A. O'CONNOR: No doubt. One man! But a great many men are transferred from the Treasury to other offices, especially if they happen to have been private secretaries. The Treasury is always treated with exceptional favour. If it is so easy to practise the principle of transfer when it is a question of giving Treasury men appointments in other branches of the Civil Service, why should it be so difficult to practise the principle in the case of the War Department? I believe that if the Civil Service were treated as a whole, a great many of the existing difficulties might be got rid of. I know it will be said by the Government that the men who are in charge of the Departments do not like to see strangers brought in from other Departments over the heads of their own men. That difficulty is never allowed to prevail when it is a question of transferring Treasury officers to good situations elsewhere, and a Minister of determination would very soon brush away difficulties of that kind. If a reduction of the Vote had been moved, I should feel it my duty to vote for it, because I believe this is an inflated Vote, a Vote which might, without any personal injustice being inflicted, be reduced.

(11.15.) MR. GOSCHEN: The present appears to be one of those occasions when the House of Commons is feverishly in favour of a reduction of establishments and the cheapening of the cost of Public Departments. But these are only spasmodic occasions, because it is often the case that when

the Government take in hand any scheme by which a real reduction of the number of Civil servants will be effected, hon. Members, either from compassion or from other motives which I will not characterise, bring pressure to bear upon the Government in resistance to the scheme. I have been asked whether any Civil servant has a vested right to promotion. My reply is emphatically that there is no right of the kind. But although there is no vested right, there is an expectation on the part of persons who have entered the Service that after a certain time they will reach positions of larger emolument, and when such posts are abolished there is naturally disappointment and discontent. I wish I could convince hon. Members of the difficulties which the Government experience when they attempt to reduce the number of the superior appointments in the Service. I have Memorials before me at the present time petitioning the Treasury not to carry out the scheme of reduction which ought to follow as a result of the Royal Commission. The argument put forward by the petitioners are these: they do not exactly claim a vested interest, but they have worked up to a given point; they have done good service, and they have had for many years the expectation to rise to the superior posts; and I am sure it would cause cruel disappointment and dissatisfaction throughout the Civil Service if the Government were to proceed with anything like stringency in the direction of abolishing these superior posts, and a discontented Civil Service would be a great calamity to this country. It would, therefore, be unwise to proceed with any degree of exaggeration on this path, which, nevertheless, the Government ought to follow, as they are most anxious to carry out the views of the Royal Commission. I hail with satisfaction occasions like this when hon. Members declare they are with the Government in the attempt to abolish a certain number of these superior posts which are no longer wanted. At the same time, we must proceed with considerable caution. The hon. Member for East Donegal asked, "Why not transfer to the Treasury and the Colonial Office?" The answer is, that the Treasury and the Colonial Office are full and want no more clerks. The Commission reported that the superior posts in nearly all the offices are unnecessarily numerous, and that vacancies ought not to be filled up. We have not the opportunity of transferring clerks from the War Office to other Departments, because in those other Departments there ought also to be reduction on the same scale.

MR. A. O'CONNOR: The Local Government Board and the Board of Trade.

MR. GOSCHEN: I only wish I could convince the hon. Gentleman of the difficulties we have had with the Local Government Board and the Board of Trade. We have endeavoured to transfer some clerks from the War Office to the Local Government Board, but we have received most serious remonstrances from my right hon. Friend the President of that Department, who says that it will not be the best, but probably the worst, clerks whom the War Office will wish to send over. No Department ever wishes to transfer its best and most useful clerks, and, therefore, other Departments are afraid of getting bad bargains. The First Lord of the Treasury has taken the greatest pains to effect transfers from one office to another. Sometimes he has been met with what I may call grumbling acquiescence, and at other times the resistance has been so great it has been very difficult to carry out his object. The transfers are still on a small scale, and for the reason that in all the offices where the Government are trying to diminish the number of superior clerks the transfer scheme is fraught with difficulty. I hope the hon. Member and the Committee will not understand we are opposing the desire of the Royal Commission or the Committee on this point. We are anxious to make progress in this direction, but the difficulties are far greater than they appear to the casual observer. A comparison has been drawn between the emoluments received by civilians in the War Office in this country and the salaries given in Germany. Those who made that camparison have not made allowance for the fact that work of all kinds is paid for less highly in Germany than here. I wish the Committee to understand and I wish

the public to understand this, that during the last four years fewer new men have been admitted into the Public Service than in any four years previously. The Government are doing all they can to keep down the cost of the Public Service, but, at the same time, they are attempting to do so in a manner which will not create discontent among the Civil servants.

(11.25.) SIR G. CAMPBELL (Kirkcaldy, &c.): I have also great experience in these matters, and I acknowledge, to a certain extent, the difficulties to which the Chancellor of the Exchequer has alluded. There are great difficulties about the transfer of Civil servants. The disposition always is to transfer the bad bargains, and there is a great unwillingness on the part of offices to accept the bad bargains of other offices. But this is only a question of degree, and it seems to me the hon. Member for East Donegal has raised a question of great width and importance, and has put his finger on a great abuse. If it was the case that the Civil Service was to be reduced all round, I could believe there was a justification for what the Chancellor of the Exchequer has said, but the Estimates testify that that is not the case. The Civil Service Estimates increase every year, and that increase means the employment of more men. At the same time, the number of redundant pensioned men is increasing. Men are pensioned in the prime of life on one pretext or another, and enormous burdens are thus imposed on the country. The Treasury ought to exercise firmness, and insist, when there are too many clerks in one Department, on transferring some of them to another Department. I admit that as soon as you exercise firmness, you are apt to have hon. Members of this House bringing pressure to bear on the Government on behalf of the Civil servants who think they are injured. That raises a wider question. In my opinion, a very serious and fatal mistake was made in giving votes to Civil servants, and giving them liberty to take part in political agitation. It is most difficult to keep the Public Service within proper bounds when you have public servants exercising great political power. The evil is growing, and I fear we may reach that unhappy state of things which obtains in America, namely, that the Civil servants go in and out with the Government. I respect their Republican system and the advantages it gives; but there is one blot on the system, that their whole Civil Service is political. There are not wanting tendencies towards the same danger in the Civil Service of this country. It is a great evil, and the War Office is an instance of the danger, as I think the speech of the Chancellor of the Exchequer has indicated. I am not quite sure if I am in order in another point on which I desire to ask a question; it has regard to policy. First, I wish to ask the right hon. Gentleman whether it is his view that the contributions from our colonies towards the expenses of the Army are adequate?

THE CHAIRMAN: That does not depend on the Secretary of State.

SIR G. CAMPBELL: I am sure I do not know whom it does depend upon. But, Sir, I replace that question with another, which I think does depend on the Secretary of State, and that is, whether he confirms the view in regard to the distribution of the Army which was stated by the right hon. Gentleman the late Secretary for War; whether he maintains the view that it never was intended there should be any real localisation by the regimental quarters being in the district whence the regiment derives its name; whether it was never intended that localisation should be for anything but recruiting purposes? I will not attempt to discuss the merits of such a view, only I wish to know whether it is understood on both Front Benches that it never was intended to localise the Army beyond recruiting purposes. One other question I should like to ask, and it is suggested by a reply given to-day. An hon. Member asked in how many cases the liability of retired officers had been carried into actual service. The answer was that no occasion for their service had arisen; that none had been called upon.

*MR. E. STANHOPE: Not under that particular warrant.

SIR G. CAMPBELL: May I ask what this warrant is? I shall be very glad to understand the answer of the right hon.

Gentleman was not of general application, for I have always thought it a very great abuse that comparatively young men, well under the prime of middle life, should be retired from the Army and not be called upon to serve again.

THE CHAIRMAN: This should be brought on upon the Vote for Retired Pay.

SIR G. CAMPBELL: There is only one more question I wish to ask, and that has relation to promotion from the ranks. I have been given to understand that this principle of promotion from the ranks has been very much abused, and that these promotions are not made as the result of good conduct and long service; but that young men, the sons of wealthy families, are promoted by favour. I should like to be informed whether this is the case; whether the number of the commissions allowed for promotion from the ranks are not considerably reduced by the promotion of young gentlemen who, unable to pass the examinations in the regular way, enter the Army, and are promoted by this back-door system?

*(11.35.) MR. E. STANHOPE: I believe there were only two questions of the hon. Gentleman which were in order. First, as to localisation, the main object of this—namely, for recruiting purposes—has been gained. Its full effects in this respect have not yet been realised, but they were being experienced more and more each year. I have no reason to differ from the explanation given by the right hon. Gentleman opposite. As to promotions from the ranks, it is perfectly true that there are different degrees of promotion from the ranks. I am always glad to hear of promotions having been made actually from the ranks, and for good service, as these are an encouragement to soldiers to do their duty.

(11.37.) COLONEL KENYON-SLANEY (Shropshire, Newport): I rise, under peculiar difficulties, to ask the Committee to grant me a few minutes while I make a reference to an attack made, unknown to me and unexpected, from a quarter where I had no reason to expect it, upon a regiment with which I have long been intimately connected. I need hardly appeal to the feelings of the Committee, and I am sure I need not to the feelings of military men, to bear with me while I relate an attack which I am told has been made, unfortunately in my absence, by the hon. Member for Preston, upon a regiment with which I have been very closely connected. I am told that the hon. Member for Preston referred to matters of recent occurrence in the Guards, and used language which is absolutely outside the facts and wholly unauthorised and unjustifiable as coming from an absolutely ignorant and uninformed Member of this House. I am told that the hon. Member stated that there is a strong feeling abroad that the officers of the Guards are not as much in touch with their men as they ought to be, and as the officers of other regiments are. [Sir G. CAMPBELL: Hear, hear.] The hon. Gentleman says, "Hear, hear," but the reports and opinions of general officers under whom the Guards have served are to be preferred to the opinion of an hon. Gentleman whose chief distinction in this House is prolixity in debate. How, then, does it come that in all the experience of the various wars in which the Guards have taken part the Reports from those who have commanded them in the field have, without one exception, been absolutely favourable, absolutely good, and especially strong as to the working of the men under these officers, in which they have formed a favourable contrast with other regiments. I, as a Guardsman, would be the last in the world to draw an invidious comparison between the Household Troops and others; our proudest boast has been that when we have been brought into line with other troops our conduct and efficiency has been proved to be not one bit worse than theirs, and that boast is proved, not by empty words of a partisan, but by the express Reports of all those officers who have had to command them, under the most trying circumstances, and in the most recent experience. Are we to believe the testimony of general officers and brigadiers, those who have had experience in the Service, or are we to accept the expression of opinion of an hon. Member whose sole connection with the Army is that he has made himself somewhat prominent as a critic of contracts? It was injudicious on his part to assume a *rôle* for which he is

absolutely unqualified. I would not venture to touch the hem of the hon. Member's garment in matters on which he is conversant, and the hon. Member would be better advised if he left matters of military efficiency and discipline to those who have, at all events, some slight acquaintance with the subject. I could enlarge on this theme, there is unlimited command of subject, but time is running on. I recollect when the battalion marched out of town——

THE CHAIRMAN: I have not interrupted the hon. and gallant Member in his reply to an attack made upon the brigade of Guards, but I may point out that the line taken by the hon. and gallant Member is not strictly relevant to the Vote, and that he would do well to confine himself in as few words as possible to repelling the attack made upon the regiment.

COLONEL KENYON-SLANEY: I much regret if I have travelled for one moment from the line I have laid down for myself. With reference to the statement of the hon. Member that he had seen officers of the Guards, when entering Wellington Barracks, fail to return the salute of their men, I can only say that I have served for 20 years in the brigade of Guards, and if there is one thing more absolutely insisted upon than another it is that never upon any occasion should an officer forget to return in the most accurate and direct manner any salute that may be paid to him. It may be that in London, where there are sentries at almost every corner, a young officer going to his club, and possibly thinking of other things, might occasionally forget to put his finger to the peak of his cap; yet upon that temporary forgetfulness—which is one I have very seldom in my long experience seen—an hon. Member does not hesitate to rise in the House and criticise the conduct of the officers as being that neither of officers nor gentlemen. You have warned me, Sir, and I do not wish to allow my warmth to cause me to over-run your forbearance. It is a cause I have much at heart. In conclusion, the Guards are willing to bear any criticism which recent events justly call down upon them. They may feel, as they do, most bitterly and terribly what has recently occurred, but I think it would have been wiser and in better taste, as well as in greater consonance with the feelings of gentlemen and officers, had the hon. Member, not especially conversant with the subject under discussion, refrained from making those charges, which naturally come with an especial bitterness and an especial sting at a moment such as the present. I have ample proof at my command to rebut any such flippant and frippery attacks. I have proved, I think, that the remarks of the hon. Member were characterised neither by good taste and judgment, or any knowledge of the subject, and I would invite the hon. Member for the future to confine himself to the *rôle* of a critic of contracts, and not to criticise either the code of honour or of duty which characterise the officers of the brigade of Guards, and which always has, always must, and emphatically always will characterise them on any duty to which Her Majesty may be pleased to call them.

*(11.46.) MR. E. STANHOPE: No one can be surprised that my hon. and gallant Friend should have desired to repel with some warmth attacks which he thought to be unjustly levelled against the brigade with which he has been so long connected. I rise, however, not for the purpose of making any remarks on the subject, but rather in order to deprecate any further discussion. I hope the Committee will now allow the Vote to be taken, after three nights discussion.

(11.47.) COLONEL NOLAN: I do not wish to continue the discussion further upon this matter, but I think that it is only fair to the hon. Member for Preston to say that his principal point was that quarters should be provided for unmarried officers, and in that I agree with the hon. Member. As to the point raised by the hon. Member for Kirkcaldy about promotion from the ranks, the hon. Member is right in saying that there are 20 in the year, but these commissions are given away to gentlemen who enter the Army for the express purpose of being promoted. I have no objection to a man being promoted who is a gentleman, but I think that these 20 commissions should be the right of deserving non-commissioned officers. The

present system, in my opinion, is unfair, and ought to be inquired into by the Secretary of State for War.

Question put, and agreed to.

Motion made, and Question proposed,

"That a sum not exceeding £294,800, be granted to Her Majesty, to defray the Charge for the pay of Medical Establishments, and the cost of Medicines, which will come in course of payment during the year ending on the 31st day of March, 1891."

(11.50.) MR. E. STANHOPE: I would make an appeal to the hon. Member for West Aberdeen, who I know desires to raise the question of the position of Army Medical Officers, not to press a discussion at the present time. As the hon. Member is well aware, I have had the advantage of receiving a deputation consisting of representatives of all the great medical bodies in England, Scotland, and Ireland, who have pressed certain matters upon my attention as to which I felt bound, in the face of such an influential deputation, to promise to give serious consideration. This I am now doing, and I would advise the hon. Member that if he brings on a discussion now it will be impossible for me to make any statement upon the representations which have been made to me. That being so, I think the hon. Member will see that in his own interest it is not desirable to raise a discussion now.

(11.52.) DR. FARQUHARSON (Aberdeenshire, W.): I quite appreciate the friendly spirit in which the right hon. Gentleman has made the appeal, but I think it will be only satisfactory to professional friends, both inside and outside the House, that I should take the opportunity this Vote offers of making a few observations. I shall discuss the Vote in no unfriendly spirit, and it is in no obstructive sense I move to report Progress. I think, considering the position I have taken upon this question, it is expected that I should take the opportunity to express the views of those I represent. I, therefore, beg to move that you do now report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Dr. Farquharson.*)

MR. A. O'CONNOR: When will Army Estimates be taken again?

*MR. W. H. SMITH: It is impossible for me now to say when.

COLONEL NOLAN: Will it be on Thursday?

*MR. W. H. SMITH: No.

DR. TANNER: I think we ought to know when this Vote will be taken. I have waited here all night for it, sitting through discussions in which I had not the remotest interest in the expectation of this Vote being reached.

*MR. E. STANHOPE: If the hon. Member had exercised a little more forbearance himself, the Vote might have been reached at a reasonable time, and we might now be in a position to take the Vote.

DR. TANNER: As a matter of personal explanation allow me to say that throughout I have only spoken twice, and the record will show that altogether I only spoke for 4½ minutes.

DR. CLARK (Caithness): If the right hon. Gentleman wishes to make progress with his Estimates he must treat us in a different spirit. We might have legitimately continued the discussion on the previous Vote by a Motion for the reduction of his salary because he has taken action contrary to the recommendations of the Committee he himself appointed. My hon. Friend is perfectly justified in taking what opportunity he can for his discussion; such opportunities are now rare.

*SIR WALTER FOSTER (Derby, Ilkeston): May I make an appeal to the right hon. Gentleman to definitely fix some day for taking the Vote? If not this week, then let him say some day next week. It will be a great convenience to Members, many of whom are much interested in this Vote. I do not wish in any way to obstruct business, but will he, in the interest of the Army medical officers, say on what day the Vote will be taken?

*MR. W. H. SMITH: I am most anxious to consult the convenience of Members as far as I possibly can, but, as the hon. Gentleman is, no doubt, aware, the whole of this week is mapped out, and next week must

depend upon the results of this. It is impossible for me to upset the whole arrangements for the sake of one specific Vote.

Question put, and agreed to.

Resolution to be reported to-morrow.

Committee also report Progress; to sit again to-morrow.

LONDON COUNTY COUNCIL (MONEY) BILL.—(No. 388.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

(12.0) MR. BAUMANN (Camberwell, Peckham): I appeal to the Government not to take this Bill at this hour. It is an important measure, which deals with a large sum of money, and it is impossible to discuss it adequately now.

*MR. H. W. LAWSON (St. Pancras, W.): There is absolutely nothing contentious in this Bill. No question of principle is involved. It has received the assent of the Treasury, and I think it would not be wise to delay passing it.

(12.2.) THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): Perhaps I may be permitted to appeal to the hon. Member to allow the Bill to proceed. It follows the precedent of previous years, and the effect of stopping it would be to arrest all the improvements and works in the Metropolis sanctioned by Parliament. I appeal to my hon. Friend to withdraw his opposition. I will undertake that we shall have an opportunity in Committee, of discussing any questions he desires to raise.

MR. BAUMANN: I must explain. I have carefully read the Bill; I am afraid the Secretary to the Treasury has not.

MR. JACKSON: I beg the hon. Member's pardon. I have read every word.

MR. BAUMANN: Part of the Bill refers to the sanction——

*MR. SPEAKER: Order, order! The hon. Member has already spoken.

*MR. BAUMANN: Not on a Motion to adjourn the Debate. The Bill refers to schemes for the coming year, which have not received the sanction of Parliament. I think it is most improper and most unreasonable on the part of the County Council and the Government to ask that the Bill shall at this hour of the night be read a second time without discussion. Half of the Bill deals with schemes for the coming year, which are of an extremely contentious nature, and which have not received the sanction of Parliament. Those Bills require discussing, and I, for one, object——

*MR. SPEAKER: The hon. Member is exceeding his rights. He has already spoken twice.

(12.5.) MR. SYDNEY BUXTON (Tower Hamlets, Poplar): No doubt the hon. Member feels it rather hard that the Bill should come on so unexpectedly, because he was unable to issue his customary Whip to hon. Members opposite against it. He has already defeated two of the Bills of the London County Council this Session, and no doubt he will defeat this if he can. But, after what the Secretary to the Treasury has said, hon. Members will approve of the Bill. The hon. Member for Peckham will have an opportunity in Committee of objecting to particular clauses. The largest portion of the measure refers to matters now being dealt with by the Council, and it is important that power should be given for continuing the works.

*(12.7.) SIR J. COLOMB (Tower Hamlets, Bow): I trust that my hon. Friend will not press his objection. Opportunity has been promised him for discussing the details in Committee, and I, therefore, hope he will allow the Bill to be read a second time.

*(12.8.) THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): If the Bill is not read a second time not a penny will be available next year for the Council to carry on the works which Parliament has sanctioned. Nothing but the pressure of business has prevented the Government dealing with the demands of the London County Council in a different manner from that proposed to day, but I hope early next

Session to lay before the House a scheme dealing with the finance of the County Council, which will obviate the necessity of these annual Bills.

(12.9.) MR. BARTLEY (Islington, N.): I think that my hon. Friend has not been treated very well. I sympathise with his view. I agree that the question is of great importance to Metropolitan Members, and we object to pass the Bill without discussion. Had this been an Irish Bill, and had hon. Members for Ireland objected to proceeding with it, the Government would have at once given way, but although we Metropolitan Members on this side are nearly as numerous as Irish Members opposite, they will not give way. I beg to move the adjournment of the Debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Bartley.*)

(12.10.) MR. KELLY (Camberwell, N.): I support that. I contend that it is not fair that the metropolitan Members should be called upon to agree to the Second Reading of a Bill of this importance without some sort of discussion. I appeal to the Government to give us reasonable facilities for that.

*(12.11.) MR. W. H. SMITH: The Government would be exceedingy sorry to press the Bill on if it involved any new principle whatever. The work authorised by Parliament to be carried out by the County Council cannot be proceeded with unless this Bill is introduced. The County Council are not responsible for the Bill. Parliament has already sanctioned the work for which the Bill is designed, and, under the circumstances, I trust my hon. Friend will not think it necessary to persist in his Motion. He can gain his object better by examining the details of the Bill in Committee rather than by postponing the consideration of the measure.

*(12.14.) MR. H. W. LAWSON: The real motive for delaying the Bill is the jealous animosity against the London County Council.

MR. BAUMANN: I wish to ask, Sir, whether the hon. Gentleman is in order in imputing motives to hon. Members?

*MR. SPEAKER: The hon. Gentleman would do well to avoid imputing motives; neither is he addressing himself to the question of the adjournment of the Debate.

*MR. H. W. LAWSON: I am not wishing to impute any private motive; I am only suggesting that it is hostility to the County Council which prompts hon. Gentlemen opposite to oppose the Bill. I hold that there is no occasion for the House to discuss the details of the Bill. These have already been fully considered by the County Council, which is the proper body to deal with this business. The President of the Local Government Board has explained that next Session it is his intention to introduce a measure which will make such Bills as these unnecessary, and which will place the London County Council, so far as money matters are concerned, on the same footing as other Local Authorities. I repeat that no new principle is contained in this Bill, and that all the House has to do is to agree to the County Council raising money for its public works and administrative duties in the usual way.

(12.17.) MR. GOSCHEN: After the controversial speech just delivered, I think it is not likely that the Bill can be discussed in a business-like spirit, and it would be better that the House should accept the Motion for adjournment.

Dr. TANNER rose in his place, and claimed to move, "That the Question be now put;" but Mr. SPEAKER withheld his assent, and declined then to put that Question.

Debate resumed.

(12.18.) MR. CAUSTON (Southwark): I had hoped that the Government would stand firm for once, and I was going to appeal to the First Lord of the Treasury to resist this attack on the London County Council. I think the House should divide, if only to protest against the spirit of hostility towards the County Council displayed by hon. Gentlemen opposite.

MR. LABOUCHERE (Northampton): Her Majesty's Ministers have declared that they are strongly opposed to the Motion for the adjournment, and I hope the House will now give them the opportunity of voting against it.

(12.20.) The House divided:—Ayes 111; Noes 98.—(Div. List, No. 197.)

DR. CLARK: On the question of the date on which this Bill is to be taken, might I ask that it be put down as the first Order, so that we may have the opportunity of discussing its principle?

MR. SEXTON: The majority of the House having expressed an opinion, I submit it is too late to proceed with any other business, and I beg to move the adjournment of the House.

*MR. SPEAKER: I do not regard that as a regular Motion. We must go through the Orders of the Day.

Debate to be resumed upon Thursday.

ST. GILES', EDINBURGH (RESTORATION) BILL.—(No. 118.)

Order for Second Reading read, and discharged.

Bill withdrawn.

TRUST COMPANIES BILL [LORDS]. (No. 225.)

Order for Second Reading read, and discharged.

Bill withdrawn.

BUSINESS OF THE HOUSE.

On the Motion for adjournment:—

MR. DILLON: Sir, I wish to ask the Government whether they will now give some definite statement as to when they will take the Report on the Vote for the Irish Land Commission. I have sat here night after night, on the understanding that I would get an opportunity of discussing this Vote. I would only ask the Government now to state definitely and clearly when they will give us the promised discussion on the Irish Land Commission. I do not think it fair to the House, after we facilitated the Government on a particular occasion, that we should be kept here night after night without any apparent effect.

MR. JACKSON: I am not able to say definitely, but I think it will be possible to find an early opportunity.

MR. CONYBEARE: What business will be taken at 12 o'clock?

MR. DILLON: On what night will they take it?

MR. E. HARRINGTON (Kerry, W.): I desire to put it to the Speaker whether it is convenient that Report of Supply should be put down simply with the dates attached, without specifying what the Report is upon.

*MR. SPEAKER: The Clerk at the Table, when Report is taken, immediately reads out the first Resolution.

MR. E. HARRINGTON: I listened, and I did not hear any Resolution read.

*MR. SPEAKER: That was because Report was not taken.

MR. E. HARRINGTON: I thank you, Mr. Speaker, and I apologise for having needlessly raised the question.

SIR W. LAWSON (Cumberland, Cockermouth): When will the Local Taxation Bill be brought in, and will the allocation of the money now passed be embodied in a fresh Bill?

MR. MARJORIBANKS (Berwickshire): The Post Office Vote will be taken to-morrow, I understand?

MR. JACKSON: Yes. The date is not definitely fixed when the Local Taxation Bill will be taken, but I believe the Amendment will be embodied in the Bill.

SIR W. LAWSON: When will we have it?

MR. JACKSON: I cannot say. Probably to-morrow.

House adjourned at twenty-five minutes before One o'clock.

HOUSE OF COMMONS,

Wednesday, 23rd July, 1890.

CENSUS [EXPENSES.]

(12.20.) Resolution [22nd July] reported.

"That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of all expenses that may be incurred for the purposes of the Census under any Acts of the present Session for taking the Census of England and Wales, Scotland and Ireland."

Resolution agreed to.

PUBLIC WORKS LOANS [REMISSION.]

Resolution [22nd July] reported.

"That it is expedient to authorise the remission of a loan, made by the Commissioners of Public Works in Ireland in respect of Killeany Pier, in pursuance of any Act of the present Session relating to Local Loans."

Motion made, and Question proposed, "That this House doth agree with the Committee in the said Resolution."

(12.26.) SIR G. CAMPBELL (Kirkcaldy, &c.): I presume that it would be of no use seriously to oppose this Resolution, but I have heard no reason stated why it should be passed. Every year we are asked to throw good money after bad for the purpose of inducing the Irish people to submit to a disagreeable rule, and whenever we are asked to wipe off debts it is invariably Irish debts. I find that in this case it is exclusively Irish debts that are dealt with, and I, for one, do not concur in the Vote.

Question put, and agreed to.

ORDERS OF THE DAY.

SUPPLY—REVENUE DEPARTMENTS.

Considered in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £4,898,551 (including a Supplementary sum of £50,000), be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Salaries and Expenses of the Post Office Services, the Expenses of Post Office Savings Banks, and Government Annuities and Insurances, and the Collection of the Post Office Revenue."

(12.28.) SIR S. NORTHCOTE (Exeter): In rising to move the reduction of this Vote I wish to explain that I desire to bring before the House the case of Mr. Cotton in connection with the invention of the system of postal orders, and to express my regret that my right hon. Friend the Postmaster General has not seen his way to lay upon the Table the Departmental correspondence between Mr. Cotton and the Post Office. In the absence of that correspondence I am compelled to refer to information which I have derived from Mr. Cotton himself, and from my hon. Friend the Member for Limehouse (Mr. Norris), who has also considered the subject, and who claims to be the inventor of the postal order system. Replying to me last year the Postmaster General stated that Mr. Cotton was not entitled to be regarded as the inventor of the postal order system; but I believe that I shall be able to substantiate the claim of that gentleman from the records of the right hon. Gentleman's own Department. On the 19th of July, 1888, the Post Office wrote to Mr. Cotton, and stated that the earliest suggestion of any system of the kind could be traced to May, 1858, to a further communication in 1860, and to another in 1865, and that the suggestions then made were all considered and condemned. This is important, because it clears the ground so far as to make the year 1865 the starting point. As a matter of fact, Mr. Cotton's original invention was put forward in the year 1866, and although other inventions had been condemned, that of Mr. Cotton was not; but was adopted, with certain modifications. I believe that the Post Office claim Mr. Chetwynd as the practical inventor in 1874; further that it was invented in 1868, submitted to the Post Office in 1871, and brought out in 1874. I am aware that in the case of public servants there would be some risk in drawing a line in regard to rewards for the improvement of the Public Service; but I submit that in this case the invention of Mr. Cotton has been substantially adopted, and that it has resulted not only in a large increase of the Post Office revenue, but in adding to the convenience of the public. I shall be surprised and disappointed if the Postmaster General says that because the scheme was not

adopted in its entirety, Mr. Cotton is to be debarred from any reward for the services he has rendered. I have some personal knowledge of Mr. Cotton, and I know that he was unwilling to bring forward his claim prematurely, or until the value of his invention had been ascertained. But we have now had some years experience of the value of the invention, and when the Postmaster General informed me last year that he could hold out no hope of Mr. Cotton's claim being recognised, seeing the late period of the Session at which the announcement was made, I did not feel justified in pressing it. I undertook, however, to do so this year, and as the reply of my right hon. Friend to a question which I put to him was unfavourable, I feel that I have no alternative but to move the reduction of the salary of the Postmaster General by the sum of £50.

Motion made, and Question proposed, "That Item A be reduced by £50, part of the salary of the Postmaster General." —(*Sir Stafford Northcote.*)

*(12.35.) MR. NORRIS (Tower Hamlets, Limehouse): I feel bound to speak upon this question, although, personally, I would far rather have left the whole matter in the hands of the Postmaster General. I must express my surprise that my hon. Friend thinks it necessary to move a reduction of the right hon. Gentleman's salary, as one would imagine the course taken by the Postmaster General has been the best to safeguard the purse-strings of the nation. So far as Mr. Cotton's claim is concerned, I believe I am correct in saying that there is no record of it in the Post Office. The real inventor of the postal order system is a Member of this House. The proposal was made by me in 1874—16 years ago—to the then Postmaster General, and my letter advocating the system as now in use is to be found in the records of the Post Office. As there is no previous record of the same kind, I think I am right in assuming that I was the first individual who brought the matter under the consideration of the Post Office in its present shape. My proposal was that the Office should issue postal orders for small amounts in the form of Post Office coupons, to be paid, in the case of small sums, on the day they were received, and if they exceeded a certain amount, on the day following. That coupons should be issued for 1s., 2s., 2s. 6d., 5s., and 10s., with a halfpenny stamp for all sums under £1, and with a poundage rate for sums above £1. My letter containing that proposal was sent in 1874, and I received a reply which I forwarded to the *Times*, to which paper I think the public are extremely indebted, because without the intervention of the *Times* and other papers I have no hesitation in saying that the postal order system would never have been adopted. The *Bullionist* and many other newspapers took up the proposal, and eventually it was considered by a Committee and a decision arrived at. It may be said that it was a small invention, but it will be admitted that it was a happy inspiration. We all know and believe that Rowland Hill was not the first proposer of the penny postage system. But although it may have been proposed by some one else, he was the man who brought it to bear upon the public mind and succeeded in securing its adoption. Notwithstanding the fact that the postal order system brings in to the Government a revenue of no less than £146,000 a year, I have no desire to ask for anything like pecuniary recognition; but as the actual inventor of the system, I shall be glad to have the good opinion of my fellow Members in this House, and a kindly recognition of my services. I hold in my hand a pamphlet, published with the cognisance of the authorities of the Post Office, stating the whole circumstances of the case up to the present moment, and it is very much against my own inclination that I should have considered it my duty to speak upon the matter at all. As I have already said, I would have much preferred to leave myself in the hands of the Postmaster General. I thank the hon. Baronet (Sir S. Northcote) for the kindly terms in which he has alluded to me. I am sure that in his own mind he feels that I have had most to do with an invention which to the outside world has been of such great importance and advantage. I will conclude by stating that the then Postmaster General, in introducing the measure to this House, advocated and supported the scheme as

since adopted, by quoting an article from the *Bullionist*, which referred to and commended my proposal alone, and which is identically the present system of postal orders.

*(12.47.) THE POSTMASTER GENERAL (Mr. RAIKES, University of Cambridge): I have no doubt that my hon. Friend who has moved the Amendment is actuated by the most kindly feelings towards myself, but although I do not take exception to the Motion upon personal grounds, I confess that I do not see why the salary of the Postmaster General in 1890 should be attacked because a person who claims to have invented postal orders in 1866 has not received the reward which he considers to be due for his services. As a matter of fact, I have no more connection with the matter than any other hon. Member of this House. I have done my best to see that proper inquiry should be made respecting the claim of Mr. Cotton, and I must say that if every hon. Member who happens to number among his constituents an inventor is to demand that the merits of that individual ought to be recognised, the whole time of the House might be occupied in discussing claims of this kind. My hon. Friend the Member for Limehouse, in a speech the modesty of which we must all recognise, has put forward, shortly, his claim to be the inventor of the postal order system. I do not myself pretend to award the palm either to this or any other claimant that may come forward, but I think the Committee will agree with me that the hon. Member for Limehouse has made out quite as good a case as the hon. Member for Exeter (Sir S. Northcote) has made out for Mr. Cotton. The scheme of Mr. Cotton was that notes should be issued to the public from the post offices of the United Kingdom for sums not exceeding £1 in such a way as might be found most convenient without any further charge than a nominal sum, such notes to be paid in specie, provided that the payee affixed a postage stamp and wrote his name across it. That may be alleged to have been the germ of the postal order system, but I am afraid that even the suggestion of Mr. Cotton in this respect was anticipated. Certainly, in 1858, and even so far back as 1840, there are to be found in the archives of the Post Office letters in which some sort of scheme for the issue of postal notes was suggested. I do not think, therefore, that Mr. Cotton can be regarded as the original inventor of the system now in vogue. The system differs very materially from that of Mr. Cotton, which practically amounted to a small paper currency. In the first place, the postal order is not a permanent note, as Mr. Cotton's would have been, but one which only lasts for a certain time; in the next place, it is payable to order; and, in the third, the signature is not required. Indeed, it would have been impossible for anyone, who was not familiar with the practice of the Post Office, to have framed the present system for the issue of postal orders. The hon. Member for Limehouse has certainly as complete a claim as any that can be put forward by Mr. Cotton to be regarded as the inventor of the system, although, no doubt, Mr. Cotton, as a Devonshire man, was not unlikely to find favour in the eyes of the late Lord Iddesleigh, who was, as we know, a most amiable man, and not least so towards Devonians. I trust that my hon. Friend the Member for Exeter will be satisfied with having called attention to the subject.

(12 52.) SIR S. NORTHCOTE: I am afraid that the only satisfaction I have obtained is that of a combatant, who has received a severe blow, and is asked if he has not had enough. I have no wish, however, to prolong the discussion, and I am sorry to inflict any annoyance upon my right hon. Friend. He says that Mr. Cotton suggested no machinery for carrying out his invention, but I think he will find that a distinct scheme was laid down for the issue of notes for varying amounts. I, therefore, cannot admit that the scheme was not one which was set out in sufficient detail to warrant consideration, which, I am sorry to say, it has not received at the hands of the Post Office Authorities. I am afraid that I shall be compelled to press the Amendment to a Division.

(12.54.) The Committee divided:—Ayes 13; Noes 103.—(Div. List, No. 198.)

Original Question again proposed.

*(1.1.) MR. PICKERSGILL (Bethnal Green, S.W.): I desire to make a few observations with reference to the relations between the Postmaster General

and the subordinate servants of the Post Office. I think it is high time those relations were reviewed by this House. The subject to which I wish especially to direct attention is the issue of a certain Rule by the Postmaster General with the view of regulating the meetings of postmen on questions in which they are interested. According to an answer which the right hon. Gentleman gave me a few days ago, what has been done has been to relax a Rule of the Service on the subject of meetings outside the Post Office, not to make it more stringent, the conditions on which Post Office servants are now allowed to meet being that ample notice shall be given to the Local Post Office Authority that the meeting will be held and where, that the meeting shall be confined to Post Office servants directly interested, and that an official shorthand writer shall be present if desired by the Authorities. The old Rule to which the right hon. Gentleman refers forbad, on pain of dismissal, the holding by officers of any Department of any meeting beyond the walls of the Post Office for the discussion of official questions. Now, the existence of that Rule was entirely unknown to many heads of the Department. It was made by Lord Stanley of Alderley so long ago as 1866. A great deal has happened since then. In the first place, the legal position of Trade Unions has been greatly altered by legislation; and, in the next place, there has been a still greater change of public opinion as to the right of labour to combine to promote its own interests. An appeal to a rule of this kind promulgated a quarter of a century ago, and which has become a dead letter, is a remarkable instance of Rip Van Winkleism in high places. Had the right hon. Gentleman altogether denied the right of Post Office servants to combine, we could have understood his position, although, of course, we should have differed from it. But the right hon. Gentleman has conceded to Post Office servants the right of combination, and at the same time he has attached to its exercise conditions which make it futile and nugatory. The presence of a shorthand writer is calculated and designed for purposes of espionage and terror. I challenge him to deny that assertion. I am perfectly ready to admit that these combinations do at times impose very considerable inconvenience upon employers, and will, no doubt, impose inconvenience upon the Post Office; but we cannot draw distinctions between servants of the State and servants of a private employer. Some hon. Members may say that these are Departmental Orders with which the House ought not to interfere. With some Departmental Orders undoubtedly we should not; but where they infringe the ordinary rights of labour, I claim that we have a right to express an opinion. There is nothing sacrosanct about Government Departments. If a Department goes into trade it must be subject to the conditions and inconveniences of ordinary employments. There is one other subject personal to the Postmaster General to which I wish to call attention. It relates to the Savings Bank Department, in which there have been great changes lately, changes which, to a portion of the Staff, have given great dissatisfaction. A little while ago some 70 officers addressed a respectful Memorial to the right hon. Gentleman. They waited upwards of a month, and there was no reply; they then sent in a second Memorial and waited a week or 10 days. Having received no answer, they requested me to put a question in that House. I did so, and the right hon. Gentleman said he hoped the answer then given would relieve him from the necessity of giving an answer to the memorialists. In the course which the right hon. Gentleman has taken he has departed from the practice of his predecessors, and to some extent has forgotten the traditions of the Civil Service. As an old Civil servant, I always understood that not only have Civil servants a right to memorialise the head of their Department, but as a matter of courtesy they have a right to a reply. This instance is one of several which have come to my knowledge in which the right hon. Gentleman has not shown that courtesy and consideration to those whom the fortune of the day has made his subordinates which has been usually shown by the political chiefs of a great Department. We all recognise the courtesy of demeanour of the right hon. Gentleman in this House, but the obligation of courtesy is perhaps even more incumbent on the holder of high office towards those who happen to be his subordinates. As an old Civil

servant I can tell him there is no body of men in the world who more appreciate courtesy and consideration, and I regret that the right hon. Gentleman seems to have forgotten traditions which in the past have been a distinguishing characteristic of the Service. There is one other matter to which I wish to refer. We know that as a consequence of the recent strike of postmen a number of those public servants were dismissed. I am not going to argue whether they were rightly or wrongly discharged, but I do desire to emphasise what appeared in a letter by Mr. Shipton as to the grovelling language used in a Memorial sent to the right hon. Gentleman a week or two ago by a number of the postmen asking to be reinstated. That is a very humiliating incident, because it is impossible not to draw the conclusion that such language was used simply because it was believed that it would be acceptable to the authorities of the Post Office. I am at a loss to determine which presents the more humiliating spectacle—the men who use such language, or the authorities who encourage the use of it. I beg to move the reduction of the salary of the Postmaster General by £100.

Motion made, and Question proposed. "That Item A be reduced by £100, part of the Salary of the Postmaster General." —(*Mr. Pickersgill.*)

*(1.17.) MR. RAIKES: I had hoped that other hon. Members who were disposed to follow on the same side would have done so, because it would be convenient that the speeches of hon. Members on the points raised should not be interrupted by more than one speech of my own. But, as no one has risen, I think it would be most respectful to the Committee not to delay my answer to several of the observations of the hon. Member who has just sat down. I do not at all deny that the question of the regulations in respect to meetings of official persons to discuss official questions is a difficult one. When I approached the question at the beginning of the present year in the Post Office, I found in existence the Regulation of 1866, to which the hon. Member has referred, and which sought to solve the difficulty by simply prohibiting any such meetings outside the Post Office buildings. By that Regulation the *employés* of the Office could only hold meetings on official questions in the building under the immediate supervision of the authorities. The hon. Member pointed out that the Regulation dated so far back as 1866. I quite agree with the hon. Member when he says that a great deal has happened since that Regulation was adopted. For instance, since then Post Office servants have become voters at elections, which of necessity gives them a claim to a freer hand in regard to meetings to discuss their grievances. I consequently rescinded Lord Stanley of Alderley's Rule, and the result of the new Regulations I introduced is that the Post Office *employés* can meet when they like and where they like. There is no dictation as to time, or place, or subject. But while giving to the servants of the Department this much greater latitude in the discussion of their own affairs, I could not forget that these affairs were also the affairs of the Department and of the nation in whose service they are. Accordingly, it seemed to me, that in order to keep such discussion within reasonable and legitimate bounds, it was desirable to lay down three conditions, which appear to the hon. Member to be very onerous, namely, that the men should give notice of any meeting they propose to hold; that the discussion at the meeting shall be confined to official persons, and shall be attended only by those official persons who are directly interested; and that the Department shall have a shorthand writer present, so that an authentic report of what takes place may be obtained. As to the latter condition, such meetings are often improperly and inaccurately reported by the newspapers, as hon. Members must know. Exaggerated and very untrue statements with reference to the relations between the authorities and the men have often been published, unfairly prejudicing and poisoning the public mind; and the authorities have been left without trustworthy means of knowing whether the statements reported were really made, or the language described as used was really uttered. So far from the presence of the shorthand writer being required for the purposes of espionage, it is no less a protection to the men than a means of informa-

tion to the authorities, and I challenge the hon. Member to mention a case in which the presence of a short-hand writer at a meeting has led to the punishment of a man. The hon. Member must know, if he has followed the case at all, that much of the language which has been indulged in at those meetings has been, to say the least, of an unrestrained character; but not a single person has suffered for it. The experience of the last few weeks has shown how wise is the condition laid down that these meetings shall be confined to the public servants interested in them. No one can now be more sensible of this than the unfortunate men who, influenced by professional agitators, were unwise enough to go out on strike, and have thus placed themselves in a most painful position. I have been told that I have conceded the right of combination, but have attached conditions to it which made it nugatory. I will say frankly that I cannot admit that servants of the State stand on precisely the same footing as the servants of a private employer as regards combination. I have said, and will adhere to it, that the men are free to form an association and to act together for their mutual benefit and to discuss matters of interest to them, but I have never conceded, and never will concede as long as I have the honour to hold the office I do, that they have any right to form any association the object of which is to supersede the authority of Parliament and the Government in fixing the conditions of labour in the Public Service. The men engaged in the Post Office have many advantages. They receive an increasing salary, the advantage of sick pay, and a holiday annually on full pay. The postmen have the additional advantage of a uniform, and there is, also, the very important advantage of a comfortable pension at the end of service. They have, moreover, constant employment, independent of the vicissitudes of trade, and the honour of serving the Crown in a service which, up to the present time, has been conspicuous for its high character and popularity. On the other hand, the Post Office servant is simply called upon to submit to a certain and comparatively trifling amount of restraint in his action as a consequence of the service he is in—a restraint which is absolutely necessary. I have not had an opportunity of saying to my friends the postmen, but I shall do so when I have it, that if I were in the habit of using the sort of language about the head of the Government which they have indulged in with regard to myself I should not long occupy my present position in the service of the State. But, apart from this question of oratorical license, it is absolutely impossible to allow the government of any Department to be delegated to any irresponsible body if the service of the State is to be carried on without liability to collapse at any particular moment by a combination of a certain number of men insisting on more wages or less duty, who might thereby cripple the whole service of the Department, and bring that part of the business of the country to a standstill. I therefore say, freely and frankly, that while I express no opinion as to the ordinary rights of Trades Unions in regard to ordinary questions as between employer and employed, it is impossible for the Government to recognise the interference of such bodies in the relations between the State and its servants. With regard to another matter which has been brought forward by the hon. Member, I should be extremely sorry if it were supposed for a moment that with regard to the 70 petitioners to whom he referred I have been guilty of any intentional discourtesy towards either him or the memorialists.

*Mr. PICKERSGILL: I did not say there was any discourtesy towards myself.

*Mr. RAIKES: What I have done has been done, I believe, in strict accordance with the precedent which has been established by those who preceded me in Office. I believe that when Memorials come pouring in, all of them requiring the same things, or things very similar, to what have been previously urged, an answer given to one Memorial has been allowed to stand as an answer to the subsequent Memorials. I may state that the heads of the Department have had these matters under their careful consideration, and one of them has been in constant communication with the Treasury upon the subject, and the result of what has hitherto been done has been that the great majority of the *employés* affected

by the new scales are more than satisfied with them ; in fact, I have received the thanks of a large majority of those persons. I am anxious, as far as I can, to meet the memorialists' views without injury to the Public Service, but as long as all the details are not finally adjusted it will not be in my power to deal with the matter finally. The hon. Member has referred to one other matter which I do not think quite germane to the subject under discussion. He has spoken of what he has called the grovelling language used in their Petitions by some of the men who went out on strike the other day, and who have sought to be taken back again, and he has said that this language showed the painful relations which existed between them and the Department, when they were under the impression that the use of such language would be welcomed. Who is responsible for this? Over and over again have I, in reply to Petitions sent to me by Mr. Mahon, who professed to speak on behalf of the Postal Union, and who is no more a postal servant than the hon. Member for Camborne, been obliged to state that we could not recognise him as an intermediary between the Postmaster General and the postmen. It would be an intolerable state of things if we were expected to give recognition to the interference of men of that description, who live by agitation, and whose life is spent in fanning the embers of discontent among various classes of workmen. If any one is responsible for such estrangement as has taken place it is those who have incited these poor men against their employers by denouncing those employers and painting them in the blackest colours, and thus leading the men to form altogether erroneous views with regard to the action of those employers. In conclusion, I have only to say that we have merely touched the fringe of this question as regards the particular objections put forward by the hon. Gentleman opposite. I do not wish to take exception to the terms of his speech, but I would add, before sitting down, that I recognise with gratitude the great forbearance shown generally by hon. Members opposite in refraining from interfering with the action of the Government, thus enabling us to bring a great Service through a trying ordeal without any great loss at a most critical moment, and with, I trust, every prospect of a successful and prosperous future.

*(1.37.) SIR E. J. REED (Cardiff) : I fully agree with those who regard this subject as one of great difficulty and delicacy, but, at the same time, having listened to the speech of the right hon. Gentleman, I cannot help feeling that he is making a mistake which has been made on former occasions, namely, the mistake of looking too intently on one side of the question and neglecting altogether the other side. Several remarks have fallen from the right hon. Gentleman which have taken me by surprise. For instance, when the right hon. Gentleman enumerated the advantages which were possessed by the civil servants of the country he pointed out that their salary increases in a regular proportion, but I venture to say that the present disturbed condition of the Postal Service, over which the right hon. Gentleman presides, has arisen to a great extent from his own arbitrary interference with the increase of the men's pay, and also from the way in which, in some cases, he has treated the men not as servants who had rights of their own but as servile beings, almost in the position of slaves, while the men who, according to him, are entitled to steady increase of salary, have suffered deprivations of salary for no fault of their own.

MR. ISAACSON (Stepney) : What have they been deprived of?

*SIR E. J. REED : I am willing to answer that question, but you, Mr. Courtney, have ruled that I cannot bring the Cardiff case in, although when we come to the proper Vote I shall be able to give a detailed account of those who have suffered, and who are still suffering, from the right hon. Gentleman's arbitrary violation of his own principle. The right hon. Gentleman makes a great point of the fact that it is a serious matter for the postal servants of the country to appeal to Members of this House for their consideration, and he asks, Why do they not go to him? I can give the right hon. Gentleman an answer to the question, derived from a practical experience of the work of the postmen of the great town which I have the privilege of representing. I do not

hesitate to say that representations made from the town I represent, concerning the inadequate administration of the Postal Department there, have had no weight at all, and I have here a letter from the right hon. Gentleman himself, in which he recognises the fact that the representations previously made had been unavailing. Perhaps the Committee will allow me to read that letter, so far as it relates to this point.

*Mr. RAIKES: I do not think the matter referred to by the hon. Gentleman is one that should be brought before the Committee at this stage, as it has no relation to the subject which is under discussion.

*Sir E. J. REED: I do not propose to discuss this point now. I am merely desirous of answering the speech of the right hon. Gentleman. I have to say that the postal business in the town of Cardiff was left in a disgraceful state for a long period, and it is owing to that condition that very much of the agitation has arisen. The merchants and traders of the town got no attention until they obtained the intervention of their Member. It will not do for the right hon. Gentleman to condemn the servants of the Post Office because they appeal to others, because this agitation would have arisen among the merchants of the town in consequence of the condition of the Postal Service. I sympathise with the right hon. Gentleman very much indeed in some of his observations. I can imagine that it must be very distressing and objectionable for the head of a Department to have men who are not in that Department at all making their representations to him concerning the service of the *employés* of that Department. I agree very warmly with his general proposition, namely, that the Service of the State is an exceptional Service, and I am sorry to say that, for the last six months, I have observed on the part of the *employés* of the Post Office, and of gentlemen serving under the right hon. Gentleman, a too ready disposition to exhibit absolute independence in their action. But the answer is this: In these days if you want to claim authority over your *employés* you must consider them, and fulfil your obligations as well as calling upon them to fulfil theirs. I venture to say that nearly all the trouble that has happened under the right hon. Gentleman's recent administration has arisen from the fact that the right hon. Gentleman does not recognise his obligations to the servants of the Department, while he insists upon their obligations. The right hon. Gentleman, for instance, referred to the obsolete rule introduced by Lord Stanley in 1866, and he seemed to think it a rather virtuous and meritorious concession that he did not enforce that rule. That regulation was a positive and ridiculous absurdity. Under the terms of that regulation half a dozen *employés* could not discuss at the dinner table of one of them the question of their salaries and the conditions of their service without incurring the risk of punishment by the authorities. Is that a reasonable state of things? When the right hon. Gentleman denies that a reporter was used to take shorthand notes for the purposes of espionage, and when he challenges my hon. Friend to produce any case in which a man has been punished because of the Report of a shorthand writer, I can only say I should have been very much surprised if anyone had been punished before this Debate occurred, or before the close of this Session of Parliament. But I will show, when we come to the Telegraph Vote, that men have been punished not because the Department was in any possession of any knowledge——

The CHAIRMAN: Order, order! It is extremely irregular and very inconvenient to make assertions in respect to another Vote before that Vote has been reached.

*Sir E. J. REED: I only referred to it to justify the statement I make. I must confine myself to saying generally on that question that men are punished by the Postal Authorities not because of what the Authorities know but because of what they suspect. That, Sir, I believe is within the limits of my knowledge. I cannot help thinking that, in the interest of the right hon. Gentleman himself, as well as the interests of the Postal Service, it should be understood that there is a very great deal of justifiable dissatisfaction with the present administration. It arises from the fact, in my opinion, that while the Postmaster General realises in the fullest and intensest manner the obligation of sub-

ordination and other obligations of the servants under him, he does not recognise, in anything like a proper degree or in a proper manner, his obligations to the servants of the Department.

(1.50.) MR. CONYBEARE (Cornwall, Camborne): Sir, I am delighted that an interruption I made towards the close of the right hon. Gentleman's apology galvanised into something like energy the somewhat limp Postmaster General.

THE CHAIRMAN: Order, order! The hon. Member must refrain from making these irritating and unnecessary observations.

MR. CONYBEARE: I had not the smallest desire to cause irritation to the Postmaster General when I interrupted him. Therefore, I at once withdraw the un-Parliamentary expression.

THE CHAIRMAN: Order, order!

MR. CONYBEARE: Well, Sir, the Postmaster General, in somewhat strong language, denounced the professional agitators who have incited these unfortunate subordinates into something like open rebellion. It becomes my duty, having had something to do with that movement (though not as a professional agitator), which the right hon. Gentleman denounced in such unsparing terms, to explain something of the condition of things which led to the formation of the Postmen's Union. The Postmaster General would have the House believe that but for outside incitement everything would have gone on inside the Post Office as merrily as the proverbial marriage bells; just as it is said of Ireland, that there would have been no discontent in Ireland but for the professional agitators. But in the Post Office there has been an extraordinary growth of well-founded discontent, which sprang up spontaneously and without any outside encouragement whatever, and which resulted in the movement to which we are now directing our attention. The right hon. Gentleman, judging from his caustic observations with reference to my humble self, may think that I had something to do with the origination of the movement. I can assure him if that is his view he is purely and absolutely mistaken. This movement originated in September of last year, when I was under lock and key across St. George's Channel. The formation of the Postmen's Union was due to the manner in which the right hon. Gentleman punished Tom Dredge, who took the lead in pressing the claims of his fellows. It was not an actual agitation, but was conducted according to the rule within the walls of the Post Office. Tom Dredge was summarily dismissed. Following the example of the dock labourers the postmen determined to form a Union. The first thing that happened to me when I reached Euston, after my incarceration, was to receive a request from the Postmen's Union to become their Treasurer. I accepted the position without hesitation, knowing something of their objects. But when I went away in the winter, I advised them to obtain the services of some one else, as I could not perform the duties of the office. That is the only connection I ever had with the Postmen's Union. The great stress of the right hon. Gentleman's attack is against a gentleman I know, and whom the right hon. Gentleman denounces, and stigmatises on every possible occasion as a professional agitator. I should like to challenge the right hon. gentleman to prove his statement. This gentleman, Mr. Mahon, with two others, was appealed to by the postmen themselves quite spontaneously. He and two others had been engaged for years past, not in professional agitation, but in assisting their fellow workers, men of their own occupation, to fight the battle of labour, as they, as citizens of a free country, had every right to do. I will tell the right hon. Gentleman why Mr. Mahon and the others were appealed to. It was deliberately and specifically stated by the men that they did not dare to form a Union themselves and to place members of their own body in a prominent position on it, because the moment they did so they would incur the wrath of the right hon. Gentleman, and would immediately suffer penalties. I dare say the right hon. Gentleman will say their fears were unfounded. I tell him they were not. It is perfectly notorious that the very placing of these men in a prominent position as leaders of the movement was quite sufficient to bring about their dismissal. The movement went on without much attention being paid to it until the spring of this year, and in

April the right hon. Gentleman found it necessary to try and crush the Union. He found, I suppose, that it was making too much headway. He pretended, in the first place, that he was anxious to relax rules which interfered with the open and free action of the men, and he gave out more than once in this House, and elsewhere, that he was so anxious to give fair-play to the men that he would allow them to meet when and where they liked, and would allow them to form themselves into a Union. But the right hon. Gentleman was careful to establish certain new regulations which he would have us believe in no respect restricted the freedom of action of the men. They were told that notice should be given of the time and place of any meeting held by the men, and no strangers were to be admitted to the meetings, and that an official reporter, representing the right hon. Gentleman, should be present. I believe the second of these regulations was directly intended to strike at the root of the existence of the Postmen's Union altogether. It is idle to say that one of the postmen could undertake the multifarious and burdensome duties of General Secretary. The time of a postman is so taken up by his duties that he has practically no spare time. Therefore, the men rightly resented this restriction, and said truly that it rendered absolutely nugatory the supposed new concession on the part of the Postmaster General. Mr. Mahon was appointed to the post of General Secretary by a ballot of the Union. It is not true that he forced himself into it against their will, and it is not true that he has no title to represent the men. It may be very convenient for the right hon. Gentleman the Postmaster General to decline to recognise the right of the men to appoint whom they please as their General Secretary. But if he recognises the principle of Trades Unionism at all he should recognise that this man was appointed by the ballot of the Trades Unionists. The man has offered to resign his position, but has been forced to continue in it, for the reason that the postmen cannot put in one of themselves, every man fearing the result of taking such a prominent position.

MR. LABOUCHERE (Northampton): How much does he get?

MR. CONYBEARE: The position of this officer, as well as that of every officer connected with the Postmen's Union, is set forth in the rules I hold in my hand. I shall be happy to present a copy to the hon. Member for Northampton, and he can examine it at his leisure. There is nothing to conceal in this matter. With regard to the official reporters, I have used an expression at times which may be taken to be offensive. I have described them as spies. But that is a word we have been accustomed to use in describing official reporters in Ireland, and I do not see why the phrase should be any more offensive when used on this side of the water. I do not propose to use that language now, though I think that, in view of the facts, I should be justified in doing so. The right hon. Gentleman would have us believe that the presence of these official reporters at postmen's meetings is for nothing more against the interests of the men than merely to obtain an accurate record of what passes for the information of the Postmaster General, who is interested, as well as the men, in the welfare of the Service. Well, it is true that he and they are equally interested in the welfare and prosperity of the Service. So are we all. But the right hon. Gentleman's methods of improving that prosperity and general welfare will not in history redound to his credit. Instead of seeking that prosperity and general welfare by encouraging contentment amongst the men, he has done everything in his power to produce the maximum of discontent and friction between the different officers of the Post Office and the *employés*. The only object of sending these reporters to the meetings of the men is to enable the officials to bring the men up for punishment. At a meeting of postmen held in Hyde Park, a certain official reporter was coerced into acting as a spy, by being told that he would be turned out of his place if he did not, and, in consequence, men were identified, and a number of postmen in the E.C. District were reduced and suspended. The disturbance which occurred at the meeting when this man was recognised has been greatly exaggerated in the Press. There is ample justification, if justification were wanted, to prove the injustice of the rule relating to the employment of these official repor-

ters. All this has been done by the right hon. Gentleman in his determination to crush the movement which the men have, in their own interests, thought necessary. I, myself, although I have had no official connection with the movement, at the request of the men, attended more than one meeting, and I can say that the men did not recklessly rush into a strike, in order to advance impossible claims and dislocate the whole Postal Service, but that they acted with the greatest reasonableness and moderation. It is entirely untrue that the Executive of the Union incited or intimidated the men into this movement, and there is no ground for the monstrous insinuation to that effect made by the hon. Baronet the Member for the City of London (Sir R. Fowler). There is no ground for such an unmanly and cowardly suggestion (though I do not apply those phrases to anyone in the House) against men who are as worthy of respect and consideration as the hon. Baronet himself. There was no attempt on the part of the Executive, or anyone outside the Union, to intimidate the men, or get them to join the Union. All the intimidation and coercion came from the right hon. Gentleman the Postmaster General, as I am in a position to prove. The meeting which I attended at the Holborn Town Hall, was attended by something like 1,500 postmen, and the whole object of the meeting, at which Mr. G. Shipton was present, was to take the decision of the postmen themselves as to what should be their course, and what instruction they should issue to their Executive Committee in view of the crisis which had then arisen. The attitude of the men was determined and enthusiastic, and the advice given by Mr. Mahon, as representing the Executive Committee, was not in any sense in the direction of inciting the men; the whole tendency of it was to find out the gravity of the situation and the risk they ran. For my own part, I only advised them that if they had to strike, they should not do so unless they could bring out all their men, and it was owing to the neglect of that advice that the movement, unfortunately, failed. [*Laughter.*] You may laugh, but even right hon. and hon. Gentlemen on the opposide side of the House are occasionally known to make mistakes. Even the Ministry have been known to make mistakes, and not so very long ago either. At this meeting, Mr. George Shipton, representing the London Trades Council, made a speech, and, as is well known, the whole object of his presence at the meeting was to bring about some conciliatory method of ending the dispute, and a resolution was formulated and enthusiastically passed by the men to the effect that they should hold their hands until the result was known of communication with the Postmaster General, in consequence of the intervention of the London Trades Council. The truce was to last 12 days, provided that the right hon. Gentleman did not force more active measures upon the men in the interval, by endeavouring to coerce them by a large introduction of supernumerary labour. That same evening, I reported what had taken place at the meeting to the right hon. Gentleman, and all I got was that I was assailed with what I must call abuse from that Bench. Abuse does not affect me, as I know it is only indulged in by Ministers of the Crown when their case is so wretchedly weak that they have not a single good argument to advance for the defence. The way the conciliatory and reasonable attitude of the men was met by the right hon. Gentleman was this. He at once proceeded to draft into all the offices a number of supernumeraries and outsiders whom we call blacklegs, which name the right hon. Gentleman objects to, but the phrase is only like such phrases as "boycott," "emergency men," or "Government spies," which have found their way into modern politics. Therefore, I shall continue to use the expression if I find it necessary. These words were introduced not for the purpose of overtaking the work which the dismissal or suspension of regular hands made it imperative to overtake, but there were more supernumerary hands taken on in the different post offices than the number of men dismissed or suspended. There was no excuse for the employment of these blacklegs. The object of the right hon. Gentleman was fitly shadowed forth by the declaration which Sir Stevenson Blackwood attempted to get the men to sign in the E.C. district —a declaration to the effect that they would not strike, and binding them against the assertion of their rights if it became necessary by the only means in

their power. Sir S. Blackwood wanted to make this declaration general, but afterwards he was induced to limit it to the 21st July, that being the last day of the truce decided on at the Holborn meeting, as the last day on which to expect some result from the intervention of Mr. George Shipton and the London Trades Council. The men naturally refused to bind themselves by any such idiotic declaration. They said they would do so if the number of supernumeraries was not increased up to that date, and if the additional men who had been employed were dismissed. That was a very reasonable proviso, because what the Postmaster General was seeking to do was to introduce as many men as possible from outside, whom he could train in the elementary work that was to be done, and whom he could put in the places of the regular hands at the moment which seemed most fitting. That was not fair fighting. In the case of a great dispute between employer and employed, when there was a recognised issue between the two, care should have been taken to avoid all mean underhanded methods, for, after all, the men, however misguided they may have been, were not criminals. At the best it must be admitted that these men are very poorly paid, that they have inordinately long hours, that they have grievances which they have sought by the only means in their power to get rectified. It was not the Executive of the Union that forced this strike on the men. The men themselves declared for it by overwhelming majorities. If they did not succeed I will not say it was not to some extent their fault, and circumstances also may have been against them. At any rate, they were not coerced into it. What the Executive did was to carry out the instructions given by a practically unanimous vote, and it would have been practically impossible for the Executive to have acted otherwise than they did. The right hon. Gentleman has chosen to draw a distinction between members of the Civil Service and others who may be employed in any work outside. The right hon. Gentleman says he would not favour the formation of the men into a Union under him. Judging from the experience we have had of his iron *régime*, I should say that if unionism is justifiable under a private employer it is infinitely more so under the employment of a great State Department. May I just advert for a moment to the incidents of the great strike week, to show how the right hon. Gentleman exercised the irresistible power of the State for the purpose of crushing down these unfortunate men? On the day when he apprehended a strike the Post Office was crammed with policemen to protect the non-union men and to intimidate those who were union men. There was no necessity for the presence of these policemen, as there was no violence on this occasion at St. Martin's-le-Grand. I maintain that civil servants ought to be allowed to exercise the ordinary rights of citizens, and to form themselves into Unions. I believe it is far more imperative for them to combine for mutual protection than for the servants of a private firm to do so. The statement of the right hon. Gentleman, that he has always preferred to listen to the representations made by the men themselves, but that he will listen to no representations made by others on their behalf, whether in this House or elsewhere, is a new doctrine, which I feel it my duty to protest against. I say that the men in the Post Office, or in any other Government Service, have a perfect right to apply to their Representatives in Parliament, if they choose to do so, to bring their case before the Government, either in this House or elsewhere. We know that it is almost impossible for men in Public Departments to get their grievances redressed except through the advocacy of those who occupy superior positions, whether as Members of this House or otherwise, and I say the men are perfectly justified, especially when they know that representations made by themselves never reach the fountain head, but are stopped by subordinate officials, in putting their cases before the Members of this House, and obtaining the services of those Members if they can do so. (2.42.)

(3.3.) MR. ISAACSON: I was in hopes that the right hon. Gentleman the Postmaster General, in making his statement to the Committee, would have told us that those postmen who went out on strike a few days ago had been reinstated. They presented a Petition to the right hon. Gentleman, pointing out how they were induced to go out, in fact forced to go out, by intimidation.

There is no doubt they were intimidated, and in many instances were in fear of their lives if they did not join the strike. What is their present position? It is scarcely possible that these men, having to support their families, can have saved much from their wages, and the result must be that they, their wives, and families must be in extreme straits from want of the weekly wage. The position of these men is, no doubt, brought about by the influence of paid agitators, who had nothing to do with Post Office work. What would be said by any employer of labour, say the managers of a bank, if they found their clerks employing paid agitators to represent their cause, if they were dissatisfied, to their employers, and using intimidation? Certainly, such interference in such a movement would be at once repudiated, and I do not see that any less stringent measures can be adopted in an important Public Department like the Post office. Anxious as we all may be to do what we can for these officials, we cannot but look with severity on the conduct of those who, for a very slight cause, conspired to stop the Postal Service of this vast Metropolis. There is no difficulty in obtaining men for the Service, and there are far more applications than there are posts to fill, and though the wages may appear low, there is the advantage of a pension at the end of their working career. I certainly was amazed to hear the hon. Baronet the Member for Cardiff speak of dissatisfaction among the postmen engaged at Cardiff. Probably I know as much of Cardiff and Newport as most Members in this House, and certainly I have always thought the Postal Service in those towns was very satisfactory. Postmen undoubtedly have, in some instances, long hours, and the lower grades are not remarkably well paid, but there is this to be said, that the work is continuous—they are not thrown out of employment, as is the case in many other occupations, from depression of trade. The Committee should remember that the present Postmaster General has had more difficulties to contend with, through the introduction of Post Office reforms, than any previous head of the Department. The Parcel Post has been introduced during his time, and this, I know, caused a great derangement of business.

THE CHAIRMAN: The Motion before the Committee is one for the reduction of the Postmaster's salary, and the hon. Member's observations are travelling very wide of that.

MR. ISAACSON: I was endeavouring to show that the increase and development of post office business has been such that difficulties would only be too likely to occur. But, under all the circumstances, I cannot see that the right hon. Gentleman has been at all to blame. To this I was coming, though possibly I have wandered somewhat from the direct way. The whole question in connection with the proposed reduction has been so thoroughly thrashed out that I find nothing to add. I will only add the appeal with which I began, that I think that a little clemency might be shown to those men who, under pressure, were induced to join the strike, and who having repented, might be allowed to return, though I hope the right hon. Gentleman will adhere to the position he has taken with regard to meetings and the active promoters of the late agitation.

(3.11.) MR. LABOUCHERE: I altogether disagree with the doctrine that the postmen should be prohibited from meeting, or subjected to such conditions that meeting is practically impossible. I really think the right hon. Gentleman is making a great mistake in making this dead set against postmen joining a Trades Union or holding meetings. This kind of thing is often a safety valve, and it can do no harm, for you are not obliged to accept the views expressed in resolutions at these meetings, though you might allow the expression. As to the view of the hon. Member for Camborne that a wrong was inflicted on the London postmen because the Postmaster General refused to recognise their secretary, that I confess I cannot agree with. I think a Postmaster General ought to allow his men to have an Association—call it a Trades Union if you like—and to meet as much as they desire without restriction or punishment, direct or indirect; but the Postmaster General should deal with the men as his subordinates and not as members of a Trades Union. He is not to blame if he refuses to receive as a representative of his men some secretary who has no

connection with the Post Office. When the hon. Member for Camborne was speaking about the secretary, Mr. Mahon, I interpolated the remark, "What does he get for it?" and when the hon. Member spoke of the men crying with one voice, "Let us have Mr. Mahon," it occurred to me that we had never heard of this gentleman before, and I think most people connected with the Post Office had never heard of him, and I imagined there was some reason why he put himself forward; and that in serving them he was serving himself. When I had an opportunity of looking at the book of rules and regulations, I found that among those rules, made, I suppose, by Mr. Mahon, there was a rule providing that the secretary to the Union should receive from 30s. to 50s. a week. Here is the explanation of the whole matter. But I have only risen to say that, while I support the Amendment and shall vote for it if it is carried to a Division, because I think that the Postmaster General ought to leave more independence to the men to meet, to associate and express their views, at the same time, I am entirely opposed to the view that public servants are wise to join Trades Unions. There is a distinction in their position from that of persons in the employ of private firms. I recognise that Trades Unions have done much to improve the condition of the working and artisan class in enabling the men to fight their own cause against employers, against whose decision in trade disputes there is no appeal. But in the case of public servants, there is an appeal to this House. We are the arbiters in matters where we think officials have made out a good claim for redress of grievances. There is not, then, the necessity for a Trades Union among public servants. I do not know whether Members of the Committee noticed as I did that in reference to the attempt to enlist the sympathy of other Unions in the postmen's movement Mr. Mahon said—I saw it in the Press, but I do not know how far it is accurate—

> "He was happy to say the dock labourers would treat with violence any postman who did not join in the strike, should he come to deliver letters among them."

Well, I certainly do not think we can complain of the refusal of the Postmaster General to receive as a representative of the men a paid advocate who makes a statement of that kind.

*(3.17.) Sir R. FOWLER (London): As representing a constituency which is very much interested in the regularity of the postal service, it is only right I should thank the Postmaster General for the course he has pursued with regard to recent events. It was a matter of the most vital importance that the strike should be put down, and the course which my right hon. Friend has taken has redounded to his honour and to the honour of those who are associated with him, Sir A. Blackwood and the other permanent officials who so loyally assisted him. The hon. Gentleman who has just sat down has referred to Mr. Mahon, and certainly I think it is a very great abuse that the business of the Government and the public should be thrown into confusion by one of those adventurers who, for the sake of putting a small sum into his pocket, comes forward and induces men to violate their duty and to pursue a line of conduct which has been reprobated by all right-thinking men. I have no doubt there are grievances among the *employés* of the Post Office; that there are some men connected with the Post Office who are more hardly worked and worse paid than almost any men I know. I remember a good many years ago mentioning an instance to Lord Granville of a driver in the service of the Department, who, every day, Sundays included, had to drive from Salisbury Plain through Devizes to Chippenham, winter and summer, in all weathers. This man drove 52 miles every day, Sundays included, and received, I think, 12s., certainly not more than 14s., a week. My right hon. Friend may say that that is the market price, and so long as men undertake to do the work at that rate, he would not be justified in giving more. ["No, no!"] I would remind hon. Members who say "no" that this is a system which has been pursued by right hon. Gentlemen on either side. I mentioned this particular instance to Lord Granville, who was at the time not directly connected with the Department, but he was a leading Member of the then Government. The hon. Member for Camborne has defended the employment of Mr. Mahon as the paid advocate of the postmen; but I venture humbly to

represent to him that the arguments he has used might be used against him with very inconvenient results should he, as possibly he may, being a distinguished Member of the Party opposite, find reward for his services in appointment as Secretary to the Treasury or Postmaster General.

*(3.21.) SIR WALTER FOSTER (Derby, Ilkeston): I agree with the hon. Member for Northampton that Government *employés* should be allowed to combine and hold meetings for the discussion of their own interests; but as to the remark that they have in this House a Court of Appeal for the redress of their grievances, I think, seeing what has occurred this Session, they cannot have much confidence in this House as a means of redress. Certainly, the men should have our sympathy as a large class of public servants performing most responsible and heavy duties for comparatively poor pay. When these men combine and appoint a secretary at the munificent salary of some £2 a week! I do not see in that any occasion for the remarks of my hon. Friend. I do not think it is the rule to find Gentlemen in this House giving their services, except political services, for nothing, and if the secretary does his work well, why should he not receive a salary? It is essential that he should be paid. He is the mouthpiece of the men, to formulate their grievances, and to give expression to their representations in matters in which they are concerned. It is manifest that this could not be done by individuals connected with the Post Office; no one of them would take on himself the responsibility of standing forward and addressing his chief as the mouthpiece of his fellows, because if he did he would be a marked man. Therefore, in self-defence, the men are bound to employ a man from outside. I am sorry that the sneer on this action of the men should have come from this side of the House. There is another matter to which I should like to refer, not so much connected with the particular question before the House as with the general administration of the Department. I think a great Department like this, making large profits, ought to provide increasing facilities and conveniences to the public as occasion arises. But as towns grow in size and importance, postal conveniences do not keep pace with the progress. I could mention several instances in which large and growing centres of population have less postal conveniences and advantages than smaller and unprogressive localities.

THE CHAIRMAN: The point the hon. Member is raising is not relevant to the present discussion.

*SIR WALTER FOSTER: Then I will refer to it later on.

(3.26.) MR. J. LOWTHER (Kent, Thanet): It does not come within my province to interpose between the hon. Member for Northampton and the hon. Gentleman who has just spoken; but I may observe that the remarks of the hon. Member for Northampton met with the approval of the great mass of the Committee. That persons who have nothing to do with the Post Office should put themselves forward for, relatively speaking, a handsome salary, and instigate public servants to neglect their public duty, is a very discreditable proceeding, and I am sorry there should have been in the House any show of giving countenance to it. The Postmaster General has received a great deal of advice from both sides of the House. I am not prepared to take upon myself the *rôle* of Mentor of the right hon. Gentleman, who, I think, has managed his Department extremely well and has displayed a forbearance and practical knowledge of affairs which shows that he is capable of doing his work by himself. If my right hon. Friend listens to some advice tendered from both sides of the House, and holds out any hope that the men primarily responsible for these unfortunate proceedings will be reinstated, he will strike a blow at the very roots of departmental discipline which will re-act throughout other branches of the Public Service. Of course, I do not undertake to say there may not be particular cases as to which consideration should be given to the evidence upon which men were included in the category; but I am sure the House of Commons would be discharging no useful function to the body politic if it induced a Minister to hold out any clemency to those who instigated disaffection among *employés* and disorganisation of an important Public Service. We see the lamentable effects of the encouragement given to those who

promoted the dock strike in the spread of the movement among all classes of industry and even into the Public Service. The practice of allowing persons not themselves connected with the work to put themselves forward as representatives of the men, who may or may not have grievances of their own, cannot be too strongly condemned. Whether they are paid, as in the case of Mahon, or seek political notoriety as in other cases in putting themselves forward, they should be told to mind their own business, and that no communication will he held with them. I desire once more to express my thanks to the right hon. Gentleman for the course which he has taken. The thanks of the whole community are due to him for the firmness he has displayed throughout the dispute.

*(3.29.) MR. SHAW LEFEVRE (Bradford, Central): Hitherto I have abstained from putting questions to the right hon. Gentleman, for I felt the difficulties of his position, and did not wish to aggravate them. The Postmaster General is in the position of being the employer of many thousands of workmen, and is, perhaps, responsible for the management of the largest staff in the country. His administration covers a large class, who are enabled to make their wishes known through Members of this House, and he has not absolutely a free hand, because he is restricted by the action of the Treasury. I realise the difficulties of his position, and, therefore, I shall speak with reserve. The main question discussed to-night is whether the right hon. Gentleman was justified in refusing to deal with outsiders in his communications with the men employed in his own Department. On that point I agree to a great extent with what has been said by the hon. Member for Northampton (Mr. Labouchere). Post Office men are not in the position of ordinary labourers. They have their votes; they are largely represented in this House; and it is customary for hon. Members to put questions in this House on their behalf. Even in the case of ordinary workmen, I believe Trades Unions recognise that only those men employed in the trade should be mixed up with communications with employers. But whatever may be the case with regard to Trades Unions generally, I submit there is a difference between ordinary workmen and men employed in the Public Service. It is not worth while, perhaps, now to go at length into the dispute itself. I am not able to say that the men in the Post Office are badly paid, and I cannot regard their position as other than satisfactory. When one looks at the salaries they received, at the fact that they are entitled to pensions, and that they have many other advantages, such as sick pay, uniforms, and Christmas-boxes, one cannot say that they are badly paid. But there is one class employed of whom I cannot speak in the same terms, namely, the supernumerary postmen.

THE CHAIRMAN: Order! The question now before the Committee is the Postmaster General's salary and his policy. The question of the adequacy or inadequacy of the pay of the men does not arise on this question.

*MR. SHAW LEFEVRE: It is rather difficult to deal with the whole question without adverting to the condition of the men in respect to whom the dispute arose. When the proper time comes, however, I shall be prepared to show that there is something to be said for a class of men who are not establishment men, but who are doing work identical with that of the class above them. I am rather inclined to think the Postmaster General would have done wisely if he had entered into their case at an earlier period, but, on the whole, I am prepared to support the Postmaster General in the action he has taken, and I cannot join in the attacks made upon him.

*(3.35.) MR. JOHN WILSON (Durham, Mid): I should not have risen to take part in this discussion, especially as I have only just come into the House of Commons, had it not been for some remarks that have been made from both sides of the House. The discussion has broadened since it commenced and has drifted into the operation of Trades Unions; and an attempt has been made on both sides to show the inadvisability of men taking part in Trade Union matters who are not connected by trade with the class of men for whom they act. I think that idea arises, if I may be allowed to say so, from ignorance on the part of hon. and right hon. Gentlemen who are not sufficiently conversant with the Trades Unions of this

country. I could quote numbers of cases where men who are now secretaries of Trades Unions have not served their time to the trades which the Unions represent, but who have been called in by the members of the particular Trade Union because they are men of ability in whom the members have confidence. The statement has been made and frequently repeated in the course of the discussion that Mr. Mahon, who was acting for the Post Office *employés*, had put himself forward for the purpose, as the Member for Northampton has suggested, of getting 30s. or 50s. a week. Now, there is no purer democracy anywhere than the Trades Unions. No man can foist himself on a Trade Union and say, "I will be your secretary." He must be elected, and the men must know him and have confidence in him. I am the treasurer of a Trade Union; but it would be impossible for me to go to the members of the Union and say, "I will be your treasurer." There are Members of the House who are the secretaries of Trade Unions—my hon. Friend the Member for Morpeth (Mr. Burt), for instance, is secretary to the Miners' Union in Northumberland. He was called from the mine to become their secretary by a vote of the Members. Without saying a word in favour of Mr. Mahon, or of his capacity to lead a Trade Union, I assert that that gentleman could no more put himself into the secretaryship of the Postmen's Union than he could into membership of the House of Commons. If there is one reason more than another why the postmen should have an independent man to represent them it has been supplied by the Postmaster General himself. Supposing that the postmen had thought fit to form a Trade Union, and had elected one of their own number to be their secretary, if the right hon. Gentleman was consistent in his course of conduct he would have discharged that man on the very first opportunity simply because he was the secretary of the Union. I do not know whether the right hon. Gentleman intends to turn a willing ear or a deaf ear to the appeals for mercy that have been made from both sides of the House on behalf of the men whom he has discharged; but he knows in his heart the reason why these men brought in an outsider; he knows that if one of the postmen had been appointed secretary, there would always have been hanging over his head the dread of summary dismissal if he took upon himself to act on behalf of the men. I hope the House will not agree with one of the statements made by the hon. Baronet the Member for the City of London (Sir R. Fowler). The hon. Baronet spoke of the low wages the postmen are receiving, namely, 12s. or 14s. a week, as the market price. There may be private firms in this country that trade upon men's necessities; but is it to be understood that gentlemen who pretend to represent, and who do legally represent, the constituencies of this country are to preach a political economy like that, and argue that, because there are a number of men waiting for employment, the State is to offer starvation wages? I trust the hon. Baronet is the only man in the House in whose mind that idea rests. My own view is that even if there are a hundred or a thousand men ready to take a given place, the man chosen should be paid such a price as will enable him to maintain himself and his family. Because there are two men seeking work, we ought not to offer them 10s. or 12s. a week, if their necessities require 18s. or 20s. I apologise for trespassing on the attention of the House, but I thought it necessary that I or someone else connected with the Trades Unions of the country should speak on this matter. I cannot help thinking that there has been manifested in the Debate an ignorance that is unbecoming in gentlemen who pretend to represent industrial constituencies; and if I may do so, I advise hon. Gentlemen to make themselves acquainted with the operations of Trades Unions, because Trades Unions are now a power in the land.

*(3.45.) MR. RAIKES: I have already enlarged upon the position I thought it right to take up with regard to the movement, and the Committee will hardly expect me to repeat what I have said. The hon. Member for Cardiff (Sir E. Reed) will forgive me if I pass by his observations, because, although he was careful not to introduce an express reference to the telegraphists in his speech, the whole of his speech was exclusively directed to a matter which can only be conveniently dealt

with later. The hon. Member for the Camborne Division (Mr. Conybeare) gave us the history of the Postmen's Union, —might he not also have composed its epitaph?—and said that I was mistaken if I thought that the discontent in the Service was wholly due to professional agitators. I am not under that impression. I think the discontent has been very largely fanned and developed to somewhat alarming proportions by the action of professional agitators. But I do not suppose they would have been able to effect anything unless there had been a tendency in the direction of discontent before they began to work. I believe there is no doubt that the movement in the Post Office had its origin in the dock strike. The hon. Member for Camborne referred to Tom Dredge, and he wished the Committee to believe that there is a great deal of dissatisfaction in the Post Office at the present time in consequence of the dismissal of Tom Dredge. I do not know what dissatisfaction there may be amongst other persons in the Post Office, but it is not shared by Tom Dredge himself, because, having been reinstated in the office, he has studiously kept aloof from this movement. The hon. Member had mixed up the question of shorthand writers and what he calls an official reporter. The two unoffending members of the Postal Service who were assaulted in Hyde Park were certainly not shorthand writers. [Mr. CONYBEARE: I never said they were.] If the hon. Member looks back at his remarks, he will see he used the words "official reporter," and then slipped out the word "spy." He endeavoured to show how wrong it would be on my part to ask the men to receive a shorthand writer. I do not want to go back to the scandalous scene which occurred in the Mount Pleasant Office, but I am bound to say something with regard to the hon. Member's remarks as to intimidation. I am constantly receiving communications to the effect that in what the men did they yielded wholly to intimidation. There has been something said by the hon. Member as to the course alleged to have been taken by Sir A. Blackwood in trying to induce the men to sign a declaration not to strike before the 21st of July. Sir A. Blackwood was in no way responsible for this suggestion. I refer to that mainly in order that I may pay a tribute—in which I think the Committee will join me—to the great spirit and energy, courage and readiness displayed by Sir A. Blackwood at the most critical juncture of these proceedings. I wish to add my testimony to the invaluable service he has rendered on this and other occasions to the Department with which he has been so long connected. But Sir A. Blackwood had nothing to do with the proposal that the men should sign a declaration that they would not strike before the 21st of July. I believe the declaration was propounded by some of the subordinate officials of the Post Office merely as a suggestion to the men that if they disliked the presence of extra hands, the best way of freeing themselves from their presence would be to give an assurance that by no act of theirs would they make their presence necessary,' at all events within a certain period of time. As they declined to give such an assurance, I think I should have been wanting in my duty if I had not taken immediate steps to reinforce all the services at St. Martin's-le-Grand by bringing in all the hands I could to supply any vacancies that might arise. The hon. Member referred to the presence of the police at St. Martin's-le-Grand on the morning of Thursday, when the strike took place. I think the Committee will agree that prevention is better than cure; and if the presence of the police in any way contributed to what the hon. Member called the unfortunate failure, I am inclined to think the presence of the police was advisable. The hon. Member behind me (Mr. Isaacson) has appealed to me to reinstate the men dismissed. It is premature for me to announce any decision on the subject. Naturally, I should be very glad if I felt it compatible with the public interest to reinstate as many of them as I could; but the Public Service must, of course, be the first consideration, together with the question of maintaining the discipline of the Service. All I can say at present is that every application for reinstatement will be carefully considered by myself after the Reports from the district postmasters have been received. There can be no doubt, I think, that the established postmen in London are a very fairly-paid body of men, and they constitute the enormous

majority of the Service in London. Nobody, I believe, has questioned the fact that the London established Post Service is one which men of that class benefit themselves by entering. There is, however, a great deal of force in what has been urged with regard to the case of the unestablished postmen. So strongly have I felt this, indeed, that I submitted proposals to the Treasury with the view of improving the position of this class just before the postmen unfortunately rushed into hostilities, without giving me any opportunity whatever of explaining my views. Therefore, I at any rate cannot accept any blame for the wages at the present moment paid to unestablished postmen, and I still hope that the proposals now before the Treasury may receive favourable consideration, and put the men in a better position. The hon. Member for Mid Durham (Mr. J. Wilson) spoke of wages, such as 12s. or 14s. a week. There is no full postman, established or unestablished, in London, who receives less than 18s. a week. There are, however, a certain number of auxiliary postmen who do not give their full time to the Department. In fact, it is a condition of the engagement of an auxiliary postmen that he is able to show that he is earning at least 12s. a week from some other employment. I do not say that the wages are on the most magnificent scale, but they are earned by men who already follow some other calling as their main source of income. If the State is called upon to pay a little more than the market rate, then the servants of the State ought always to be prepared to give a little more than the normal requirements of duty demand. I hope, at all events, that the Committee have heard enough about me, and that, if we are to discuss the other items of the Vote, some of which are of much interest, we may now be allowed to proceed to a Division.

*(4.1.) MR. BROADHURST (Nottingham, W.): Sir, I would like to join in the appeal to the Postmaster General that he will, as early as possible, consider the re-admission to employment of the men who have been discharged. I cannot think that the State should take the position of displaying anger and resentment at its servants taking part in what, I have no doubt, they believed at the time to be a perfectly justifiable movement for the bettering of their condition. The history of this agitation is very like that of 20 years ago, which, as in the present instance, resulted in the creation of a great number of victims. I sincerely hope that the Postmaster General will deal liberally and handsomely with the men who are now placed in a similarly unhappy position. I think the State is altogether mistaken in its objection to the right of combination among the postmen. I think they should be permitted to combine for the purposes of mutual assistance and counsel as to what is best and not best for the promotion of their interests, and as a Trade Union enjoying to the fullest extent the right of combination permitted to their fellow-workers in the country. We shall never be inclined to rest satisfied until that is conceded. Sir, there has been rather an unhappy difference of opinion expressed between my hon. Friend the Member for East Bradford and the hon. Member for Mid Durham. No doubt both are right to some extent. My right hon. Friend the Member for East Bradford declared that it was the policy of Trades Unions to appoint to their chief offices men of their respective trades. That is perfectly true. There is no great Trades Union in Great Britain but what is officered by men of that particular trade. Yet my hon. Friend the Member for Mid Durham is correct so far as some exceptions are concerned. There are Trades Unions or Labour Associations that are not officered by men who have worked in the particular branch of industry which is combined. There is a great Association in North Yorkshire which has a secretary——

THE CHAIRMAN: Order, order! I did not interrupt the hon. Member for Mid Durham in his second maiden speech, but this is wide of the question. The point is, the attitude of the Postmaster General with regard to the Postmen's Union.

*MR. BROADHURST: I am much obliged for the correction, Sir. I was following in reply something which proceeded from the hon. Member for Mid Durham, but I bow loyally to your ruling. May I, then, say that the whole policy of Trades Unionism has been that

those who direct its policy, or who advise its action in labour and in industrial matters, shall be men who themselves will share in the failure or success of that policy, and not men who, whatever the result, shall in no way suffer from the consequences.

(4.7.) MR. ATKINSON (Boston): It is not accepted, I wish to say, in reply to the hon. Gentleman who has just sat down, that Trades Unions are always useful. I could give many instances in which they have been mischievous instead of useful. But that is not the point we have before us. I wish to say that I shall support the payment of the salary of my right hon. Friend upon this ground: that none could have managed this business better than the Postmaster General. We particularly feel grateful to him that he has not let these busybodies, or secretaries of Trades Unions, or Members of Parliament posing for election two years hence, or men who have no interest whatever in the business, dictate to him; and we are very glad, indeed, that we have a Postmaster General with such a backbone, and we only wish——

THE CHAIRMAN: Order, order!

MR. ATKINSON: I have expressed what I wish, and I am quite ready to be called to order. I have voted against the salary of the Postmaster General on one point. I am now going to vote for it on another. In that I am perfectly consistent, because I am going to vote against the hon. Member for Camborne, who has been trying to show us that the right hon. Gentleman has mismanaged these affairs. He gave us a digest of the strike, but it would have been quite sufficient had we taken the *Times* or any other newspaper to read on each day that it mentioned the Post Office strike, and in that way we would have avoided the waste of an hour and a half of our time. I protest against that sort of mismanagement, and I support to the utmost of my ability the talented and right management of the strike by my right hon. Friend.

*(4.10.) MR. WINTERBOTHAM (Gloucester, Cirencester): I think a word or two is necessary to put the principle of this Vote in a clear light. I apprehend that those who vote for the proposed reduction will do so as an expression of their opinion to the country that the Postmaster General has shown a want of tact and a sad lack of sympathy in dealing with a large body of public servants. ["No!"] You who disagree will have an opportunity of expressing your opinion in the Lobby shortly. This matter has been discussed to-night in the House of Commons; but it has yet to be discussed by the working classes, and I would remind the House that from the Postmaster General down to the postboy at 4s. or 5s. a week the public will not stand any difference of treatment in principle between the higher-paid officials at £3,000 or £4,000 a year and the smaller-paid officials. The Postmaster General said that it was only the fringe of a big question. He never said anything truer than that. The great question of the Relations of Capital and Labour cropped up in the speeches of hon. Members opposite, hardly one of whom could help alluding to the dock strike. That was, in their view, a sadly unfortunate strike in which labour won; this is, on the other hand, a happy strike in which, by what the last speaker called the backbone of the right hon. Gentleman, labour has been beaten. They were hardly able to contain their satisfaction at so delightful a result. The question is, whether these postmen who have been dealt with by the Postmaster General are, in common with the working classes generally, by their growing intelligence and culture, entitled to those full rights of combination which their fellows demand and will continue to demand. The Postmaster General has made certain small concessions which I fear will not satisfy the mass of the working classes of this country. The men are to have some right of combination acknowledged, but subject to three conditions. The first is that notice of their intention to meet shall in every case be given to their employers. These questions will have to be met with tact (I speak as a large employer myself), and I believe the people will demand that the business of the Public Departments shall be carried on in the spirit in which all right-minded employers seek to avoid disputes and strikes by timely consideration and fair play. Are these three conditions on which practically this Division is to be taken conditions which large employers of labour would seek to force on their *employés*?

I say they are not. Take the, first that notice of all meetings which the Post Office *employés* intend to hold, for the purpose of discussing matters affecting their own interests, shall be sent to the head of the Department. I say that that is not fair or reasonable. The second condition is that no secretary, not being himself an *employé* of the Post Office, shall be recognised by the Department. Fancy large employers of labour outside the Government treating their *employés* in this way. Let the Committee imagine the case of large coal proprietors refusing to recognise such a man as the hon. Member for Morpeth (Mr. Burt) as a spokesman appointed by miners to represent them in a trade dispute! Men employed for long hours, and with but little time at their own disposal, ought, surely, to be allowed to employ and pay anyone to attend to their interests in an executive capacity. I do not think that this second condition is one of which public opinion will approve. Well, what is the third condition? It strikes me as being the most hateful of all. It is that a Government shorthand writer must be present at each of the men's meetings! These three conditions of the Postmaster General are really the question now before the Committee—a question which the Government may, and doubtless will, carry by a majority to-day; but I say it is the duty of everybody who sympathises with working men in their endeavour to improve their condition to protest against these unfair conditions which it is sought to impose—which are dragooning conditions, such as no ordinary employers of labour would for a moment seek to enforce on their workmen, and the enforcement of which on Government *employés* by Government officials the working classes will assuredly disapprove.

*(4.18.) MR. CAVENDISH BENTINCK (Whitehaven): I am sorry to interpose between the Committee and the impending Division, and I should not have done so but for the speech just delivered by the hon. Gentleman opposite, which is in thorough accordance with the manner he has adopted since he changed his colours, because now he always endeavours in the speeches he makes in this House to set class against class. I hold in my hand evidence which will, I think, convince the Committee that the hon. Member is wrong when he speaks of the movement against the right hon. Gentleman the Postmaster General being a spontaneous one. There can be no doubt that the movement was got up by outsiders, and I have here sufficient proof of this. I do not suppose the hon. Member for Gloucester has seen the evening papers of to-day, or there would have come under his notice a report of a meeting held last night, at which it was stated that there are only £30 to be divided among the dismissed men, and therefore these dismissed postmen were urged to obtain employment outside the Post Office as soon as they could. It was also stated that attendance was no longer compulsory, and that the waiting room would be closed. This notice was signed by Mr. Mahon. This is all I wish to bring under the notice of the House, and I think it very pertinent to the matter under discussion.

(4.20.) MR. CONYBEARE: Before a Division is taken, I wish to ask a question of the right hon. Gentleman (Mr. Raikes), though, in the first instance, I should like to take notice of the attack the right hon. Gentleman opposite (Mr. Cavendish Bentinck) has made upon the Postmen's Union. He has quoted from an evening paper a statement under the name of the General Secretary of the Union, to the effect that only £30 remains to be divided among the dismissed officials. For my part, I am surprised that there is so much to be divided. [*Laughter.*] Hon. Members may laugh, but I would point out that these poor men are not in receipt of the incomes enjoyed by hon. and right hon. Gentlemen opposite. The facts connected with the Union are these. It was only established less than eight months ago. The men have been contributing 2d. and 4d. a week since that time, and have no large reserve fund to fall back upon, while for the last two or three weeks they have been paying large sums for the support of the men dismissed by the right hon. Gentleman. Therefore, I think it greatly to the credit of this young Union, that it should have as large a balance as £30, having had to maintain 400 men, and their wives and their children, for two or three weeks. I cannot see why the right hon.

Gentleman the Member for Whitehaven should be so enthusiastic against these unfortunate men. I should like to see the right hon. Gentleman trying to live upon 18s. a week. In that case I think he would have a better understanding of the men's position. As I have been challenged upon this subject by the hon. Member for Northampton (Mr. Labouchere), I will tell the Committee what the Secretary of the Union has to do for his wages. [*Cries of* "Question."] This is a question on which I have been distinctly challenged. I hold in my hand the Rules of the Union, and under the circumstances I feel bound to refer to the rule which defines the Secretary's duties. The Secretary was elected by the postmen under a general Ballot, Rule 6, and his duties are that he should attend all meetings, receive all monies on behalf of the Union, prepare a balance sheet, issue cards of membership, keep a register of members, and an account of all subscriptions, and perform other duties, which are detailed, attending generally to the business of the Union. For this he is to be paid not less than 30s., nor more than 50s. a week, and he is entitled, in addition to the legal holidays, to two weeks holiday per annum. I should like to ask whether the Chief Secretary for Ireland or any other Minister would be content to discharge one tithe of these duties for less than £5,000 a year.

THE CHAIRMAN: The hon. Gentleman has been allowed to read those Rules in answer to what has been said before, but his answer ought to be confined to that point.

MR. CONYBEARE: Very well, Sir. Then I will simply put this question to the right hon. Gentleman the Postmaster General, whether in respect of the men whom he has reinstated, or intends to reinstate, he requires or suggests that they should make a declaration or statement that they joined the Union through intimidation or terrorism on the part of their fellows. I put this question because it will be remembered that the right hon. Gentleman just now told us he was constantly receiving letters from postmen, asking for reinstatement on the ground that they had been intimidated. I now state, as a deliberate fact, that intimidation or terrorism was never used to induce men to join the Union, though I am not going to say that when the blacklegs were introduced some violence was not used. If the right hon. Gentleman intends to rely on that violence as a reason for the sweeping accusation made against the Union, that they intimidated and terrorised their fellows, I say that that is not sufficient to traverse my statement that no intimidation was used to induce men to join their Union.

*(4.29.) MR. RAIKES: I can only repeat, in answer to the question of the hon. Member, who says that no intimidation was practised, that I have received letters from some of the men stating that they left their employment because they were intimidated. With regard to the question put as to what men I may feel it right to reinstate in their former employment, I have to say that I have laid down no express or particular conditions to be observed with regard to such reinstatement, but that I shall be guided entirely by the particular circumstance of each case.

*(4.30.) MR. FENWICK (Northumberland, Wansbeck): It seems to be supposed that the failure of the movement of the Post Office servants was due to want of sympathy for them on the part of *employés* in other trades. That is not so, and if anything could increase the sympathy of other workmen it would be the unyielding attitude taken up on the subject of combination by the Postmaster General in his unfortunate speech this afternoon. I wish to ask the right hon. Gentleman whether he can point to a single instance of a large employer of labour demanding from his workmen such conditions as those laid down in his speech this afternoon. Why, then, should the *employés* of the State be saddled with responsibilities that are not thrown upon other workmen in the country? I regard his second demand as highly objectionable, namely, that they shall not appoint any outside person to represent them on all questions which they desire to have placed before the heads of the Department. It seems to me that the best employers in the country rather desire, than otherwise, the appointment of officials who have the confidence of the workmen, and would rather deal with them than with the whole of the workmen, either in a body or by separate individuals. I wish the Postmaster General would

re-consider his position in those matters. I think there would be less friction between him and the *employés* of the Post Office if he would. I sincerely trust also that he will re-consider his position with regard to his desire to have an official reporter present at every meeting. Nothing could be more hateful to any body of workmen than to have an official reporter imposed upon them when considering any question affecting their social condition. If the right hon. Gentleman insists on this condition we must conclude that there will be no Postmen's Union, because, in my opinion, the men would rather continue to go on without one than submit to such a hateful condition. We know there is a tendency among some large employers of labour to try and get to know who the men are who bring forward grievances, and those men are known as marked men, and are singled out for punishment. The Postmaster General has already singled out certain individuals, and dismissed them, for taking part in a movement which, according to his own statement, they were not responsible for. The day has gone by when any responsible Minister or any Government can veto the right of free and open combination. It is perfectly true that civil servants are in a different position from the great body of the workmen of the country. It is said they have their representatives in this House, but I wish to know who specially represents them. No one does, and that is all the more reason why the interests of these men should be more generously and liberally considered than those of the great bulk of the workmen in the country are. I sincerely trust that the right hon. Gentleman will re-consider the position he has taken up on the question.

*(4.39.) MR. CUNINGHAME GRAHAM (Lanark, N.W.): I deeply deplore the disputes that have taken place in the Post Office, and for many reasons. I have looked upon the Post Office as the means by which many of the industries now in the hands of employers may come into the hands of the State, and I am exceedingly sorry that recent events have occurred at the Post Office which go some distance towards shattering my ideal. I should like to make a few remarks on the conditions the Postmaster General has imposed relative to the formation of a Trades Union among these men. I understand that one is that no meeting is to be held without previous notice having been given to the authorities. Personally, I think every man, whether a soldier or sailor, or in whatever capacity he may be, is extremely foolish who places himself under discipline whereby he forfeits his rights as a citizen, but I have yet to learn that the postmen are placed under such stringent discipline as enables their elementary rights as citizens to be taken away from them. With soldiers and sailors it is a different matter, but hitherto I have not understood that a man by accepting employment of the State as a postman lays himself open to such discipline as that I have referred to, and I should like a definite explanation from the Postmaster General as to whether a man, by entering the Service of the State as a postman, lays himself open to what is practically military discipline, forfeits the right, which is not denied to any other workman, of freely assembling in public meeting to ventilate his grievances. I know that as to public meetings the Postmaster General has in some respects relaxed the rules. I believe the rules were framed when another Government was in power, and, therefore, I hope we shall have some assurance from the Front Opposition Bench that when that Party returns to power they intend to relax the rules still further. With reference to the shorthand writer whom the Postmaster General insists shall be present at the various meetings of the postmen, I utterly fail to see why, when the Press is admitted—and I believe that most of these meetings have in that sense been public—it is necessary to have an official shorthand writer present. When the daily Press is represented, I suppose that all the facts that are most valuable for the Postmaster General to have at his command, in order to carry on the discipline and routine of his office, are set forth in the various newspaper reports. Therefore, as I conceive the Postmaster General does not wish in any respect to cause a feeling of irritation in the Service, but very much the contrary, I would venture respectfully to suggest to him that he should see fit to waive this question, in view of the expression of opinion we

have had from working-class Representatives from this part of the House on the subject. The third point I would touch upon is in reference to the Secretary to the Union. The Postmaster General said no outsider or stranger should be employed in this capacity. I fail to understand his reason for that, because, if we look at the other Trades Unions in the country, we find that in almost every case the Secretary to the Union is not a man actively engaged in daily labour. To fulfil the position of Secretary efficiently, it is almost impossible for a man to gain his livelihood by Party labour, and at the same time give his time to the work of a Trades Union. I dare say the Postmaster General is acquainted with the working of a Trades Union. He must know that there is a great deal of routine work to be done in the way of keeping minutes, writing Reports, and so on, and that it must be impossible for a working postman to discharge that duty, as well as the duty of delivering letters during the day. On this matter also we have had a decided opinion from practical Trades Unionists —from two gentlemen who have filled the post of Secretary to their trades. I hope the right hon. Gentleman will take this into consideration, and, as it seems impossible to form a Union at all without having recourse to someone who has not to earn his daily bread, I hope the right hon. Gentleman will waive this point also. A great many men have been dismissed owing to the part they took in the recent agitation. These men are unprovided for. The Postmaster General may say they are reaping the fruits of what they have sown. That may or may not be so, but the fact is that these men are in the main dependent on their daily labour, and are absolutely without employment of any kind, being dependent on the funds of the Union for the very small support they are receiving; and as, undoubtedly, at the present moment, the Postmaster General is in the position of the greatest strength, I make this appeal *ad misericordiam* to him. I ask if it is possible to overlook the errors that were, perhaps, merely errors of judgment on the part of these men and reinstate as many of them as possible. It appears to me that many of the utterances of the right hon. Gentleman have been, perhaps, utterances that he would not have given vent to if it had not been for recent occurrences having intensified bitter feelings, which it is to be hoped will now lapse on both sides.

(4.48.) MR. PRITCHARD MORGAN (Merthyr Tydvil): I would ask the right hon. Gentleman the Postmaster General if he will consent to receive the Secretary or the Hon. Secretary or a representative of the postmen in that capacity, and hear from him any grievances he may have to ventilate without his being subjected to any pains or penalties for appearing as the representative of the men. I quite understand the right hon. Gentleman assumes that he will not allow any outsider to interfere in any way, but as he admits that the men have a right to form themselves into a Union will he receive one of their number to represent them?

*(4.49.) MR. RAIKES: The best answer I can give the hon. Member is to inform him that I have arranged to-morrow to receive a deputation of postmen from each of the London Districts.

(4.50.) The Committee divided:—Ayes 111; Noes 195.—(Div. List, No. 199.)

Original Question again proposed.

*(5.2.) MR. J. E. ELLIS (Nottingham, Rushcliffe): I wish to ask the right hon. Gentleman a question in regard to telegraphic messages sent by Railway Companies free of cost to them, and, therefore, at the public charge. We had evidence before the Select Committee in 1887 indicating the growing number of these messages, and we were told that they are ten times as numerous as they originally were. What I want to ask the right hon. Gentleman is whether he proposes to take any steps in some form or other to put an end to a bargain which has turned out to be an extremely bad one for the public, in a way that was never contemplated when it was made?

*(5.3.) MR. RAIKES: I have watched with the greatest anxiety the growth in the number of these messages. The situation appears to me to have very largely altered since the arrangement was made with the Railway Companies; but there

is a question still awaiting judicial decision which must be settled before any action can be taken.

MR. T. W. RUSSELL (Tyrone, S.): Does this cover telegraphic service?

THE CHAIRMAN: No.

*(5.4.) SIR WALTER FOSTER (Derby, Ilkeston): I would ask the right hon. Gentleman's attention to the general question of providing postal facilities adequate to public requirements as towns increase in size and importance. There are many instances I could point to, where the postal arrangements in a large industrial centre are no more than are provided for a village of 500 or 600 inhabitants. We have not, for instance, a head office at Ilkeston. There, as in many places, postal business is conducted in a tradesman's shop, where there is neither space, nor convenience, nor the privacy required. Yet while this is the case there are, on the other hand, towns in the county of Derby of far less commercial importance having each a head post office, with a postmaster giving his undivided attention to postal business. Then, again, there is much room for improvement in the accommodation that is afforded to the public in post offices, both in London and in the country. I think that a lucrative Department like the Post Office, handing over to the Treasury millions annually, might lay itself out to consult the convenience of the public somewhat. In continental post offices you will find every convenience for writing a letter, but so far is this from being the case in this country, that even in some offices there are notices prohibiting the public from using a desk for writing a letter or post card. In this direction I think the Department is conducted in a very narrow spirit. I believe that if greater facilities were given to the public in post offices for transacting their business it would redound to the popularity of the Department, and produce an increase of business.

*(5.8.) MR. CAVENDISH BENTINCK: There is a point of some importance not to be left out of view in regard to the late disputes between postmen and the authorities. Comments have been made on the low rate of pay, and the hon. Baronet the Member for the City of London mentioned an instance of hard work and low pay, in the case of a driver at Devizes, but is it not the fact that postmen, in addition to their wages, receive from the public a very considerable sum in the way of gratuities at Christmas time? I have heard that in many cases this results in the men being extremely well paid. I would ask my right hon. Friend if the Post Office have any means of estimating the amount received by the postmen of London by this means? I remember the question being raised some years ago, when it was contended by some Members that the postmen ought not to receive these gratuities, but I am opposed to that view. I think the men are fully entitled to any gratuities the liberality of the public may offer. I know in my immediate neighbourhood in London the sums thus given make a very handsome addition to the incomes of the letter carriers on that walk. But I think it is rather unfair that letter carriers only should participate in these gratuities, sorters and drivers being, in my opinion, entitled to share. I should like to know whether that question has been considered in the Post Office with a view to making some more equal distribution of the money so collected. I have been told that in some parts of London individual postmen have realised sums of from £50 to £70 a year from this source. Certainly, I am not one of those who would wish to deprive a respectable and obliging body of men of any advantage of this kind. But there is an inequality in the distribution of our favours, just as there is in our "tips," when we visit a country house. Only the servants who are seen receive gratuities, and those who bear the burden and heat of the kitchen are unseen and receive nothing. It is very much the same with our postal servants. Could not some means be provided by which all gratuities should go into a fund and be distributed *pro rata* among employees? I know in Italy and in France there is some arrangement of the kind. I do not know whether the attention of my right hon. Friend has been turned in this direction. In Mr. Fawcett's time I remember there was a discussion on these gratuities, and I believe an order was issued forbidding postmen to ask for Christmas boxes, though they were

allowed to receive them. I think that the fact that postmen's wages are very considerably increased in this way disposes of the suggestion that the men are very badly paid.

*(5.15.) MR. RAIKES: I think the Committee will agree that we might now be allowed to take the Vote, and time will not permit to do more than simply notice the points raised. The hon. Member for Ilkeston (Sir Walter Foster) has called attention to what he regards as imperfect service, in the fact that manufacturing towns such as that in the constituency he represents, have not the rank of a head office. As to this, I may say that I shall be very glad to look into any specific case of the kind, such as he has mentioned, but I may add that districts ask for a head office often rather as a matter of sentiment than anything else, for it often happens that the creation of a head office does not confer any postal advantages in postal business to the district where it is situated. As to the conveniences the hon. Member suggests might be offered to the public in Post Offices in London and elsewhere, I should be very glad if anything could be done in that direction: but it must be obvious that though to be enabled to write a letter in a Post Office might be a convenience to some members of the public, to others it might be inconvenient, as further crowding the space, very often limited, for the transaction of the various branches of the business of the Department. My right hon. Friend has asked a question on the subject of Christmas boxes, but this is a matter on which I have no official information. In common with the rest of the public, I have been informed that very large sums sometimes fall to the lot of lucky postmen, and I have heard the average estimated at not less than £15 a year, rising in some exceptional cases to £75 a year; the gratuities are in many cases personal to the recipient, and it is a matter in which it has been held the Department would not be justified in interfering. And now I would ask the Committee to pass the Vote. I know the hon. Member for Donegal (Mr. A. O'Connor) intends to raise another question, but I would ask him to carry out his intention on the Report stage.

(5.18) MR. A. O'CONNOR: It would not be possible for me to do justice to the subject I desire to raise within the few minutes now at our disposal. It is a question that affects the whole administration of the Department, the infraction of an important Civil Service Rule by heads of the Department. I do not think it is reasonable that I should bring it on on the Report stage, but as I could not now do justice to the subject, I will not trouble the Committee.

*(5.19.) MR. BOWEN ROWLANDS (Cardiganshire): As I may not be here when the Report stage is taken, may I now call the right hon. Gentleman's attention to a very serious defect of administration in the way in which mails are conveyed to and from the town of Aberystwith. They are conveyed by goods train, to the great inconvenience of the inhabitants of that town and neighbourhood, and the incoming and outgoing arrangements are such that serious delay in correspondence is inevitable. The town is an important one, and the district in every way worthy of being considered by the Post Office Authorities. The defects, I understand, could be remedied by the additional outlay of £1,000, and I do not think that this should be in the mind of the right hon. Gentleman a sufficient reason for disregarding the representations that have been made to him. It is said that the present state of things arises out of a difficulty with the Railway Company, who demand a sum which the Post Office Authorities think they are not justified in giving. Now, I have authority for saying that the company are quite willing to refer the dispute to arbitration, and, for my own part, if the result should be an additional expenditure of £1,000, that would not be too much to expend in removing an inconvenience which is very severely felt by the inhabitants. I am anxious to get an answer from the right hon. Gentleman within the time when the present discussion must necessarily come to an end, and so I have somewhat inconveniently summarised my observations, which otherwise I should have presented more fully and in greater detail. However, the right hon. Gentleman is aware of the in-

convenience, as it has been represented to him by persons of authority and influence in the district, and I hope he will undertake to provide a remedy as, I may remind him, he did when a somewhat similar instance of public inconvenience was brought to his notice in connection with the conveyance of mails in the West of Ireland.

*(5.25.) MR. RAIKES: I have seen more than one deputation, and have received many communications on the subject, but I am afraid I cannot see my way to meeting the wishes of the hon. Gentleman's constituents by the expenditure to which the hon. Member, in a spirit of generous liberality, alludes as only £1,500, for it must be remembered that there are many places with equally good claims which are more or less in the same position as Aberystwith. The advantage to be gained by conveyance by passenger train would not be more than three-quarters of an hour, and I do not feel that I should be justified in recommending such expenditure to the Treasury.

*MR. BOWEN ROWLANDS: Let me explain that I did not mean to assent to or to fix any sum. I said the company are willing to refer the amount to arbitration, and I cannot see why the Government should not assent to that course being adopted.

*MR. RAIKES: I do not myself think there is any special reason to refer the matter to arbitration. I will, however, not lose sight of the matter, and I shall be glad if some steps may be taken to the advantage of the locality.

(5.26.) MR. SHAW LEFEVRE: I had intended to raise an important question in relation to the financial relations between the Department and the Treasury, but it is impossible to do that now.

*(5.26.) SIR JOHN SWINBURNE (Staffordshire, Lichfield): I wish to bring the whole financial position of the Post Office under view. Here we have a large Revenue annually handed over to the Treasury, which otherwise would have to be raised by the Chancellor of the Exchequer by taxation. I would, if I were in order, move a reduction in the salary of the First Lord of the Treasury, for the purpose of calling attention to the want of public accommodation provided by telegraph offices at railway stations and in other ways; for I know from experience that these matters are really regulated by the Treasury. I object to the Post Office receipts being treated as a matter of Revenue by the Treasury, instead of the money being spent in developing the postal and telegraphic business all over the country.

It being half an hour after Five of the clock, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again to-morrow.

BUSINESS OF THE HOUSE.

MR. A. O'CONNOR: What Estimates will be next proceeded with?

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): Committee will be set down for to-morrow, and, if there is time, Post Office Votes will be taken. As to Friday, I cannot say.

MR. A. O'CONNOR: And afterwards?

MR. JACKSON: Inland Revenue.

*SIR J. SWINBURNE: After what hour will the Post Office Votes not be taken?

MR. JACKSON: Not after 12 o'clock.

MR. J. O'CONNOR (Tipperary, S.): Can the right hon. Gentleman say when Class III. will be taken?

MR. JACKSON: When the other Votes are finished I can tell the hon. Member.

SUPPLY [22ND JULY]—REPORT.

Resolution reported.

ARMY ESTIMATES.

"That a sum, not exceeding £258,400, be granted to Her Majesty, to defray the Charge for the Salaries and Miscellaneous Charges of the War Office, which will come in course of payment during the year ending on the 31st day of March, 1891."

(5.35.) MR. HANBURY (Preston): Perhaps the House will allow me to make only one or two remarks. I learn that yesterday evening, after I left the House, an hon. and gallant Gentleman made a personal attack upon me in regard to something which I had said with reference to a regiment with which that hon. and gallant Gentleman is connected. It is quite impossible for me now

to go into any lengthened reply to the hon. and gallant Gentleman. I have only two remarks to make. In the first place, I think if the hon. and gallant Member had heard my speech, he would not have made the remarks he did. The observations which aroused the hon. and gallant Gentleman's criticism were confined to two points. I stated that I had seen officers of the Guards omit to return the salutes of their men, and to that statement I adhere, and no amount of declamation can overcome it. I also referred to the special privilege enjoyed by officers of the Guards of not living in barracks, and I expressed the opinion that the Guards ought not to be treated differently in this respect from the officers of any other regiment. I expressed that opinion, and I do so still, and upon the Barrack Vote I shall take a Division upon the point. These are the only two points raised in my speech so far as this regiment is concerned, and though there was a good deal of fervid eloquence besides in the hon. and gallant Gentleman's speech, it does not touch other points mentioned by me. As to the omission to return salutes, I have seen this with my own eyes, as I have passed Wellington Barracks on my way to and from this House; and to that statement I adhere. With regard to the other point, in reference to Guards' officers living in barracks, I not only repeat the statement, but I will take the opportunity on the Barrack Vote of testing the opinion of the House on the point.

(5.37.) MR. E. ROBERTSON (Dundee): The observations made by the hon. Member now and the observations made on the subject last night prove the great disadvantage under which this House labours in attempting to discuss events like these upon no information at all, or, at the best, on hearsay information. The statement of the hon. and gallant Gentleman last night, however impressive from its earnestness, was nothing more than hearsay to the Committee, and the hon. Member for Preston does not pretend to give evidence to the House. This is my justification for renewing on this opportunity the point I ventured to raise last night, and to impress upon the Secretary for War that this House is entitled to have laid before it full and accurate Reports of proceedings at Courts Martial. I am not going now to express any opinion on these unfortunate events, much less to say that the right hon. Gentleman was not right in enforcing to the full all the powers he possesses for suppressing insubordination in the Army. My point is to impress upon the right hon. Gentleman the fact that it has not been the practice for Governments to refuse to give these Reports of Courts Martial. Let me invite attention to one or two entries in the General Index of Proceedings of the House of Commons. Taking one volume at random, I find the following instances of records of proceedings at Court Martials being laid on the Table. In 1863 a Report of the proceedings at a Court Martial held at Aldershot upon Colonel Crawley; in 1862 an account of the proceedings against Paymaster Smales; and again, in 1866, I believe the Report of proceedings at Simla upon Colonel Trotter was laid. These are cases from a volume of the Index taken at random, and I ask the right hon. Gentleman to say how these cases differentiate from the case now under discussion. I say it has been the practice to lay these proceedings. We must not entrust to any Government the duty of making Constitutional Law; we must defend our own privileges. I again invite the right hon. Gentleman to say upon what rule he founds his refusal, or how the proceedings in reference to the Guards differ from those other cases I have mentioned.

(5.40.) COLONEL KENYON-SLANEY (Shropshire, Newport): I had hoped that the only reference I need make to the hon. Member's speech again would have been to accept, as I would willingly do, some expression of regret for words he used last night, which did not recommend themselves to his conscience this morning. The hon. Member says he only alluded to two points, and I, Sir, only alluded to those two points, and I am glad to see from the Report of the hon. Member's speech this morning, that my quotation from his speech was perfectly accurate. Therefore, I do not see my way to withdraw one word or syllable I may have used last night. The point I did not discuss

or allude to was that of officers of the Guards residing in barracks, and on that I agree that there would be considerable advantage in those officers thus being brought into close association with the men. I do not take exception to the hon. Member's remarks on this account; what I do take exception to is the expression of the hon. Member, that officers of the Guards, by their behaviour towards their men, had acted in a manner unworthy of officers and gentlemen.

MR. HANBURY: If the hon. and gallant Member will allow me, what I said was that, in coming down to the House time after time, I have seen officers of the Guards entering the barracks and not returning the salute of the men. This I said I have seen, and I must adhere to the statement.

COLONEL KENYON-SLANEY: I find no fault with the hon. Member's statement of what he has seen, but I take strong exception to the opinion he founded upon that, that it was conduct unbecoming officers and gentlemen. He was proceeding to speak upon that when he was called to order. The hon. Member is not conversant with military affairs, and he is not aware, probably, that many officers enter and leave the barracks who are not officers of the Guards. It is possible he may have been mistaken in supposing the officer belonged to the regiment, or it is possible that an officer might, by inadvertence, have forgotten to return a salute. I repeat I do not find fault with the hon. Gentleman for making that statement, but I do take exception to his going on to state that in so omitting to return a salute the officer was guilty of conduct unbecoming an officer and a gentleman. This is only a trivial point, and an officer who omits to return the salute of his men is guilty of much the same offence as an hon. Gentleman who omits to return the salute of a policeman at the door. I am informed that the hon. Gentleman himself left this House last night without returning the salute of certain policemen. Would it not be monstrous to say that he has, therefore, been guilty of conduct unbecoming a legislator and a gentleman? As a matter of fact, there is in the Guards the most scrupulous observance of this point as to the returning of salutes. It is to be hoped that when next the hon. Gentleman indulges in military criticism he will be more happy in the subjects he chooses to animadvert upon.

*(5.45.) THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): I think that the House will regret that my two hon. Friends were not both present in the House at the same time yesterday. I am bound to say that when my hon. and gallant Friend got up to protest against the language which had been used earlier in the evening, hon. Members must have recognised that the hon. and gallant Gentleman, speaking on behalf of a gallant regiment, was entitled to make those observations. There appears, however, to be on one point no great difference between the two hon. Gentlemen. It is the wish of the Government to provide for the officers of the Guards accommodation they have hitherto not had—namely, rooms in the barracks. With regard to what the hon. Member for Preston has said about salutes, it may be true that he has seen officers of the Guards neglect to return the salute of their men, and, of course, he has the right to state it, but when he went so far as to say that, whether the omission was inadvertent or not, they had acted in a manner not becoming officers and gentlemen, the hon. and gallant Member for Shropshire was fully justified in protesting against it. In answer to the hon. Member for Dundee as to whether I will lay the proceedings of the Court Martial on the Table of the House, I venture to say that, in the interests of the Army and the Public Service, it is not expedient that the matter should be discussed by the House, and certainly, so far as I myself am concerned, I am not prepared to produce any Papers of that description.

(5.47.) MR. CAVENDISH BENTINCK (Whitehaven): I saw in the *Times'* report this morning of the embarkation of the Guards on board the *Tamar* that the soldiers had been deprived of their ration of porter. It is stated that the Bluejackets and Marines on board the same vessel would be served with the ration, though the soldiers

would not, and that considerable dissatisfaction had been caused in consequence. I wish to ask the right hon. Gentleman whether this statement in the *Times* is correct?

*MR. E. STANHOPE: I sympathise with my right hon. Friend; I should be sorry myself to be deprived of a ration of that description. I am not acquainted with the facts, however, and will make inquiry.

(5.48.) MR. HANBURY: I beg permission to say a word or two of personal explanation. In the statement I made I did not mean to say, with regard to these particular officers, that their omitting to return the salute was conduct unbecoming officers and gentlemen. What I said was this —that I had seen some of the officers neglect to return the salute, and I am free to admit that it may have been due to inadvertence. But I certainly followed up this statement by the general remark to which I adhere—that if, as a rule, officers do not return the salute of their men, it is conduct not becoming officers and gentlemen.

Resolution agreed to.

SCHOOL BOARD FOR LONDON ELECTIONS BILL.—(No. 78.)

Order for Second Reading read, and discharged.

Bill withdrawn.

SALARIED SHOP ASSISTANTS' WEEKLY HALF-HOLIDAY BILL.—(No. 203.)

Order for resuming adjourned Debate on Second Reading [29th April] read, and discharged.

Bill withdrawn.

WELSH INTERMEDIATE EDUCATION ACT (1889) AMENDMENT BILL. (No. 340.)

Order for Second Reading read, and discharged.

Bill withdrawn.

RIGHTS OF WAY (SCOTLAND) BILL. (No. 215.)

Order for Second Reading read, and discharged.

Bill withdrawn.

Mr. Cavendish Bentinck

PUBLIC ACCOUNTS.

Fifth Report, with Minutes of Evidence and an Appendix, brought up, and read.

Report to lie upon the Table, and to be printed. [No. 319.]

POLICE AND SANITARY REGULATIONS BILLS.

Special Report from the Select Committee brought up, and read.

Minutes of Proceedings, to be printed. [No. 320.]

Report to lie upon the Table, and to be printed. [No. 320.]

PUBLIC PETITIONS COMMITTEE.

Sixteenth Report brought up, and read; to lie upon the Table, and to be printed.

MOTION.

PIG IRON WARRANTS BILL.

On Motion of Mr. Hingley, Bill to regulate dealings in Pig Iron Warrants, ordered to be brought in by Mr. Hingley, Mr. Ainslie, and Mr. Isaac Wilson.

Bill presented, and read first time. [Bill 397.]

LOCAL TAXATION (CUSTOMS AND EXCISE) DUTIES BILL.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): By an error an uncorrected Paper of Amendments to Clause 7 of the Local Taxation Bill was handed in, and printed with the notices this morning. I have given in the revised Paper, and beg hon. Members to substitute the fresh notices for those on the Paper this morning. The fresh notices will appear to-morrow morning.

MR. A. ACLAND (York, W.R., Rotherham): Is there any hope of the Local Taxation Bill being taken this week?

MR. GOSCHEN: Yes; there is every chance of the Local Taxation Bill being taken this week. The matter has not yet been settled, but it is possible that the Bill may be taken on Friday.

House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, 24th July, 1890.

NEW PEER.

E. Temple—William Stephen Gore Langton, Earl Temple of Stowe, having succeeded to that title on the death of his uncle Richard Plantagenet Duke of Buckingham and Chandos, Earl Temple of Stow, &c., by virtue of a special limitation contained in a patent bearing date the 4th day of February in the Third year of the reign of His Majesty King George the Fourth—Was (in the usual manner) introduced.

PUBLIC LIBRARIES ACTS AMENDMENT BILL.—(No. 205.)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD HOUGHTON: In asking your Lordships to give this Bill a Second Reading, I need not detain you at any length. This Bill has come to your Lordships from the other House, where it was backed by Members of all Parties, and where it met with no opposition of any kind at any stage. It was slightly amended in one or two particulars, as I shall explain to your Lordships in a few moments. I think at this time of day it is quite unnecessary to enter into any elaborate defence of the system of Public Libraries paid for out of the rates. I think your Lordships will all agree they have been of great benefit to the districts which have adopted them. The only charge I have ever heard brought against Public Libraries is that too many novels are read at them. But when you consider that the persons who use these Libraries are naturally obliged to use them more for the purpose of recreation than of study, I do not think that charge can be regarded as a very serious one. Just to show your Lordships how the matter stands, I will explain shortly what the previous legislation on the subject has been. The first Act under which Public Libraries were formed was passed in the year 1850, and the first Public Library was opened at Manchester two years later. Since then the Act has been amended in the years 1855, 1877, and 1887, and last year. For some time after the passing of the first Act the formation of Public Libraries did not make any very great progress; but the statistics of later years show a much more satisfactory result. In 1879 there were only 87 Public Libraries open; in 1886 there were 133, and at this moment there are 209, being an increase of 76 in the last four years. At the same time, it would be a mistake to suppose that districts are always ready to adopt Public Libraries. On the contrary, there have been as many as 12 refusals in one year after the matter had been submitted to the ratepayers. Some supporters of this movement go as far as to say that the time has now arrived when a poll might be dispensed with altogether, and when Public Libraries might be formed on the motion of the Local Authority only. This Bill which I have the honour to present to your Lordships does not go so far as that, though I am bound to say that if such a proposition was made, I should, for my own part, not be prepared to oppose it. There is no doubt that the cost of the poll, which in some cases amounts to hundreds of pounds, is regarded by the ratepayers as a serious obstacle to having a Public Library at all. As regards the Bill itself, its object is, I think, clearly stated in the Memorandum annexed to it. Clause 1 substitutes for the very broad electorate which now votes on this matter, in boroughs the burgesses of the borough, and in counties the county electors registered in respect of their qualifications in the district. The object of that is to carry out what is supposed to have been the intention of Parliament in consolidating all the local franchises into one, and also to give a clear and authoritative list of the persons who would be entitled to vote for this object. Upon Clause 2 the Memorandum is not exactly accurate. It was originally proposed that in places having a population of less than 5,000 the proceedings should be, if it is so desired, by public meeting and not by voting papers. An Amendment was, however, introduced in the other House on the ground that public meetings cause a good deal of needless trouble and expense to the ratepayers, and that Amendment was accepted by the promoters of the Bill. Therefore, as the

Bill now stands, the proceedings will be in every case by voting papers. Clause 3 enables voters to state, if they so desire, and if a request has previously been made accordingly, that they wish to have a halfpenny or three-farthings rate instead of the statutory penny rate. Clause 5 prevents the question, when once it has been settled by a vote, being re-opened for a year from the time that the poll was taken. Clause 7, which is, I think, one of some importance, enables Ecclesiastical, Parochial, and Charitable Bodies to convey their property, under proper restrictions, for purposes connected with Public Libraries. Clause 13 states that the Bill does not extend to Scotland or Ireland; and, as far as Scotland is concerned, the reason is a very good one—that Scotland has already a very good Public Libraries Act, which was passed in 1887, and from which, in fact, many of the provisions in this Bill are borrowed. With this short explanation I appeal with confidence to your Lordships to read the Bill a second time, and to allow it to pass in the shape in which it has come from the other House.

Moved, "That the Bill be now read 2ª." —(*The Lord Houghton.*)

*THE EARL OF MEATH: My Lords, this Bill appears to be a very desirable one, but there is one clause in it which was inserted at the very last moment when it passed the other House. I refer to Clause 8. I do not think the other House or the noble Lord who has addressed your Lordships intended that this clause should have the effect which it undoubtedly will have in regard to open spaces. By this clause any land which is left, we will say, as an open space for ever, for the benefit of the citizens of this Metropolis, or of any other large town, might be alienated from that purpose. It might be either given away or sold or exchanged for a Public Library; and I know one piece of ground in a very densely-populated part of London which, under this clause, might be built upon which would involve a very great loss to the people. It would be possible for the Trustees, if they liked, to sell that open space for the purpose of building upon it a Public Library. I do not imagine that the noble Lord desires that this Bill should have that effect, and I therefore propose in Committee to move the addition to Clause 8 of the following words:—

"Provided also that land held on trust to be possessed as an open space or on trusts which prohibit building thereon shall not be granted or conveyed for the purposes of this Act."

*THE PAYMASTER GENERAL (The Earl of JERSEY): My Lords, I think it will be hardly necessary for me to say anything upon this Bill. Though it is not a Government measure, yet it had the assent of the Government in the other House of Parliament and I do not suppose it will meet with much opposition in this House. It there should be any Amendment to be made, it can, of course, be made in Committee.

LORD HOUGHTON: As far as I am concerned, I cannot conceive that there could be any objection to accepting the Amendment proposed by the noble Lord provided it does not go further than he has stated.

On Question, agreed to,

Bill read 2ª (according to order), and committed to a Committee of the whole House on Monday next.

REMOVAL TERMS (SCOTLAND) ACT (1886) AMENDMENT BILL.—(No. 206.)

SECOND READING.

Order of the Day for the Second Reading, read.

*THE SECRETARY OF STATE FOR SCOTLAND (The Marquess of LOTHIAN): In asking your Lordships to give a Second Reading to this Bill, perhaps you will allow me to say a very few words to explain what the object of it is. In Scotland, as your Lordships are probably aware, it is the practice for a great many persons both in regard to the occupation of houses and also in service to change their houses and their service at the respective terms 15th May and 11th November. But a practice has grown up in Scotland under which it has been customary for people to remove from their houses or to exchange their service not at the exact dates of these terms, but to be allowed a few days' longer before the actual removal from their houses or the transference of service takes place, the time being generally about a fortnight. It has been found that this time varies very much in the

counties and in the burghs, and the natural consequences has been that great inconvenience has been caused to those so removing, because sometimes they have to remove from one occupancy or service before they are entitled to enter upon another occupancy or service. To remedy this inconvenience an Act was passed in 1881 called the Removal Terms (Scotland) Burghs Act, which fixed the terms for removal as being the 28th of May and 28th of November respectively. But it was found afterwards that that Act, which referred only to burghs, did not do away with the inconvenience as regarded counties, and a subsequent Act was passed in 1886 which applied that Act to counties as well as to burghs, fixing the terms both as to counties and burghs as the 28th of May and the 28th of November. But that has not done away with the whole difficulty, because those two Acts did not refer to terms of service, and it has now been found that as the terms of service may vary from the usual terms of removal very great inconvenience, and in some cases even hardship, has followed from the present practice. The object of this Bill is to make the terms of removal of service identical with those in respect of houses. I think your Lordships will see that it may sometimes happen, especially among agricultural servants, that a servant may be obliged to leave one service before he is entitled under the present Acts to take up another, and he may be without shelter for a few days. The whole object of the Bill is to make the terms of service in agreement with the two Acts of 1881 and 1886. I may tell your Lordships that this proposal has met, as far as I know, with universal acceptance in Scotland, where this state of things is prevalent. I have myself received many applications on the subject; and I am sure that, under the circumstances, your Lordships will see it is very desirable to get rid of what is, though perhaps, a small hardship, is one which it is extremely desirable should be remedied. I hope, therefore, your Lordships will give a Second Reading to the Bill.

Bill read 2ª (according to order), and committed to the Standing Committee for General Bills.

SETTLED LAND BILL.—(No. 185.)

Amendments reported (according to order); further amendments made; and Bill to be read 3ª on Tuesday next.

BANKRUPTCY BILL—(No. 188.)

SECOND READING.

Order of the Day for the Second Reading, read.

*LORD MACNAGHTEN: I have to ask your Lordships to give a Second Reading to this Bill which comes from the House of Commons. As your Lordships know, this matter has attracted a good deal of attention in various quarters. In the House of Commons, both in Grand Committee and in the House itself, the Bill has been very fully discussed in all its stages. It has been before all the Chambers of Commerce in the United Kingdom, and it has been approved by them all. I hold in my hand a Petition from the Association of Chambers of Commerce of the United Kingdom, a body which I believe includes all the Chambers of Commerce in the United Kingdom except the London Chamber, praying your Lordships to pass the Bill during this Session, and I am informed that the London Chamber of Commerce is prepared to present a Petition to the same effect. Under these circumstances, I think the Bill comes before your Lordships with a strong claim to the favourable consideration of the House. It cannot be denied, and certainly I am not concerned to deny, that the Act of 1883 has worked fairly well, quite as well in almost every respect, and in some respects certainly better than any one of its numerous and short-lived predecessors. But the Act has now been in operation for six years and a half, and it is not surprising if, in the course of that period, many points have been discovered in which, at any rate, it is reasonable to think that the Act is susceptible of improvement. The Amendments which this Bill proposes are many and various. There are slips in the Act of 1883 which require to be corrected. Here and there in the construction of the Act there has been a view taken or a decision pronounced which is, I will not say erroneous, but which has certainly been unfortunate, and not, I should fancy, in accordance with the in-

tentions of the framers of the Act. Perhaps I may give your Lordships one instance by way of illustration. The Board of Trade has power to remove a Trustee for misconduct. That is a very useful and a very wholesome power, and, as far as I know, the Board of Trade have always exercised it with discretion and firmness. But I am told that this has happened: A man is Trustee of several estates; in one he is found to have misconducted himself, and the Board of Trade promptly remove him; but having done that, the Board of Trade, as I understand, are advised they can do no more, and that they cannot remove him from the Trusts of the other estates in which, it may be, he has not yet had an opportunity of misconducting himself or in which his misconduct has not yet been discovered. I cannot think that is satisfactory. I think it is almost scandalous that a man who has committed a breach of trust in regard to one estate should not be immediately removed from other similar Trusts which he holds. On that point I think your Lordships will have no difficulty in agreeing to the Amendment proposed. I only give that instance by way of illustration. There are many other Amendments which are important, no doubt, but yet which do not involve any question of principle. For instance, the Bill deals with the much-vexed question of proxies. It cannot, I think, be disputed that creditors who are unable to attend in person at meetings of creditors ought to be allowed to have an opportunity of expressing their opinions by proxy in as full and ample a manner as is consistent with the due and safe administration of the estate. On the other hand, there is nothing so mischievous as trafficking in proxies. There is nothing, according to my experience, which so much conduced to the discredit which attached to the Act of 1869 as the trafficking in proxies to which that Act gave rise. The consequence of that discredit was that with regard to proxies the Act of 1883 is very severe. Many people think it is unduly strict, and accordingly the Bill deals with that matter. Your Lordships will find there is a greater latitude allowed with regard to proxies, but yet there are restrictions which I should hope would prevent the recurrence of any such abuses as were rife under the Act of 1869. Then, my Lords, there is another point. Your Lordships will find elaborate provisions are made with regard to compositions and arrangements, the object being to make the procedure in compositions and arrangements more expeditious and more in harmony with proceedings in bankruptcy under the Act of 1883. Those are all matters of detail or administration, and it would not be right that I should detain your Lordships now by dwelling upon them; but there are, as it seems to me, some matters which are matters of principle, and perhaps I may be allowed very shortly to refer to two or three of them before I sit down. The most important provision in this Bill, and the one which, it seems to me, will be the most far-reaching, and I should hope the most beneficial in its effect, is a provision with regard to the discharge of the bankrupt. Your Lordships may perhaps remember that, under the Act of 1869, it was made a condition of the bankrupt obtaining his discharge either that he had paid 10s. in the £1, or that the creditors—and I ask your Lordships to note that the power was by that Act given to the creditors—should pass a special Resolution stating that, in their opinion, the bankruptcy or the failure to pay 10s. in the £1 was due to circumstances for which the bankrupt was not justly responsible, and that they were desirous that the bankrupt should obtain his order of discharge. At first sight that seems a very reasonable provision, and, one would think, not specially open to abuse. But, unfortunately, there are creditors who care more for their pockets than for an abstract idea of commercial morality; and it was found that when the creditors had obtained all they could get in the bankruptcy, they were supremely indifferent as to what became of the bankrupt—whether he got his discharge or not. That led to various abuses. It led to bribery. Many a bankrupt obtained his discharge by means of bribery, and sometimes by fictitious votes, who, if the matter had rested with the Court or with an official body, such as the Board of Trade, would have been severely dealt with. The consequence of those abuses was that there is no similar provision to be found in the Act of 1883.

Lord Macnaghten

Under the Act of 1883 a bankrupt is in precisely the same position with regard to obtaining his discharge, other matters being equal, whether his estate pays a dividend of 6d. or 15s. in the £1. That, again, has led to abuses. A trader in a bankrupt condition, hoping against hope, goes on long after there is any possibility of retrieving his position, and the consequence is that, under the present Act, dividends are miserably small. On this point there is a very strong feeling among the commercial community. They think a man ought to know the state of his affairs, and they think he is bound to stop as soon as he finds it is impossible for him to retrieve his position. They think he is not justified in going on and wasting money, which, in reality and in truth, is not his own, but which belongs to his creditors, either in keeping up appearances or in a hopeless adventure. The Bill, therefore, proposes in this matter to return to the principle of the Act of 1869; but with this important difference: that the power which, in the Act of 1869, was rashly confided to the creditors is placed in the hands of the Court. Under this Bill the fact that a bankrupt estate has not paid 10s. in the £1 is one of the facts on proof of which the Court has power either to refuse the discharge or to suspend the discharge, or to grant the discharge under certain conditions. I trust that that alteration, which is a very important one, will commend itself to your Lordships' judgment. Then there are two other provisions which, in some respects, certainly touch on a question of principle, to which I will very shortly refer. There is one which deals with so much of the debts provable in bankruptcy as consists of interest. That provision is directed against a class of persons who have very few friends. I do not think that even the Liberty and Property Defence League will take up the cudgels on their behalf. It is directed against the class of money-lenders. Money-lenders trade, of course, upon the necessities of mankind, and they protect themselves in this way: as regards the principal, they advance in cash as little as they can; and as regards interest, they demand a rate which is certainly liberal, if not exorbitant. Now, the Bill proposes to deal with that matter in this way: It proposes that, as regards debts provable in a bankruptcy, so much as consists of interest should be calculated as between the creditors and in the administration of the estate at a rate not exceeding 5 per cent., leaving the money-lender as regards any balance to look to the estate after all the other creditors have been paid in full. I think, under all the circumstances, that is not an unjust provision. The only objection that one feels to it is that it seems rather like paying money-lenders in their own coin, in holding out to them the somewhat illusory hope that, after all, the bankrupt estate will prove to be solvent. There is just one other provision, and I mention it with some diffidence, because I have heard it said that this House will not fairly consider it—I do not in the least degree believe that—and that is the provision with regard to distress. Your Lordships will find the power of distress, which, under the Act of 1883, was available for the recovery of 12 months' arrears of rent, is, under this Bill, to be available for six months' arrears only. No doubt that is an important change, and some people think it an unwise one. But I am sure your Lordships will consider it fairly. Your Lordships will bear in mind that it only applies to cases of distress levied after the commencement of the bankruptcy. You will also remember that the Act of 1883, as originally introduced, proposed to do away with the right of distress altogether; and perhaps this is a case in which your Lordships may think it better, in view of the present current of legislation, to secure one-half instead of standing out for the whole. My Lords, with these observations I leave the Bill in your hands, and I beg to move the Second Reading.

Bill read 2ª (according to order).

*LORD MACNAGHTEN: With regard to the Committee to which the Bill should be referred, perhaps your Lordships may think it right that it should be referred to a Committee of the House. The time of year is getting very late, and there are only one or two matters of principle which must, as it seems to me, be decided by the House, and it would be no advantage to pass a preliminary judgment in one of the Standing Committees. I therefore move

that it be referred to a Committee of the whole House.

Moved, "That the Bill be committed to a Committee of the Whole House."—(*The Lord Macnaghten.*)

LORD HERSCHELL: If my noble and learned Friend will tell me that he has considered all the details of the Bill so as to be able to vouch for it, then I should not oppose the Motion; but, judging from other measures which we have had before us, although they have come up after consideration by the other House, they have not been without the necessity of careful revision.

*LORD MACNAGHTEN: I think this Bill stands in rather a different position. I may say that I have gone carefully through it, and I think it is one which your Lordships might deal with in Committee of the whole House.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): I hope the House will think twice before it makes so great a breach in its custom of referring such Bills to a Committee. Of course, we all place the greatest possible confidence in the assurance of the noble and learned Lord, but if it is to be a rule that simply upon the assertion or upon an assurance on the part of a noble Earl who brings in a Bill that it is of no use for the Bill to go to a Standing Committee, then I think the use and value of Standing Committees will be greatly diminished.

*LORD MACNAGHTEN: I need not say that I was not in the least claiming anything of the sort for myself. It was only in consequence of the late period of the Session that I ventured to suggest it.

THE MARQUESS OF SALISBURY: We have still got a good three weeks, I think.

THE LORD CHANCELLOR: I would only point out that this Bill involves important questions upon the Bankruptcy Law, and I think if a Bill dealing with somewhat delicate and difficult subjects of that nature is not to go to a Standing Committee it would be very difficult to say what Bills ought to be so referred.

LORD BRABOURNE: In regard to referring the Bill to a Committee I think this is one of the instances in which a very important Bill would be practically withdrawn from the cognisance of the House by being referred to one or other of the Committees. This practice, I think, is really becoming exceedingly unpleasant. We never know to which Committee a Bill is going to be referred; and if such a Bill as this, at the present period of the Session, is to be referred to a Select Committee, the practical effect will be that it will not receive the consideration of the House, and I do not think really that a Bill of so much importance ought to be withdrawn from your Lordships' cognisance.

LORD HERSCHELL: I cannot at all agree with the noble Lord who has just sat down. The House is just as much cognisant of the details of the Bill after it has gone, and in spite of its having gone, to Committee, as before. And, more than that, I will venture to say that I can prove that Bills after they have gone through Committee, have been more discussed in this House than, according to former precedent, they would ever have been before.

LORD BRABOURNE: What I meant was that they are withdrawn from the cognisance of the public by being withdrawn from the consideration of the House. They have not the public eye upon them, as they would have if discussed before the Committee of the House.

EARL BEAUCHAMP: I must say, in a matter like this, affecting the interests of the great commercial community throughout the country, that a Bill of such importance should not be referred to a hole-and-corner Committee upstairs. It is very important indeed that the public should know not only what is actually done by this House, but also the grounds of our decision; and though our Debates may not be as fully and perfectly reported in the public journals as we may desire, I would point out to your Lordships that there is still a complete record of our Debates in the imperishable pages of *Hansard*. There, at least, a Report of whatever may have been said in this House will be found. Small Bills, like the Public Libraries Act, may, no doubt, be very properly and effectually discussed in Committee, but when we are dealing with great interests affecting the whole commercial community, I

think it is very desirable that the deliberations upon them should not be withdrawn from the cognisance of the public, as they certainly are when such deliberations take place in a small Committee upstairs, and not in full Committee of this House.

THE EARL OF KIMBERLEY: I would point out to the noble Lord that this "hole-and-corner" system, as he describes it, was adopted by the other House in reference to this very Bill, and I apprehend that there must be there at least as many Members as in this House who have regard to the commercial interests of the country. I think, therefore, we shall be at least pursuing a course which has a very good precedent in what has been done elsewhere.

EARL BEAUCHAMP: I am very glad to find that the noble Lord is so fond of precedent.

*LORD MACNAGHTEN: I propose, then, that the Bill shonld be referred to Committee of the Whole House.

THE EARL OF CAMPERDOWN: My Lords, I beg to move, as an Amendment, that it be referred to the Grand Committee on Law.

Amendment moved, to leave out the words ("a Committee of the Whole House") and insert ("the Standing Committee for Bills relating to Law, &c.")—(*The Earl of Camperdown.*)

On Question, whether the words proposed to be left out shall stand part of the Motion?

The House divided:—Contents 22; Not-Contents 46.

Resolved in the negative. Bill committed to the Standing Committee for Bills relating to Law, &c., accordingly.

METROPOLIS MANAGEMENT AMENDMENT ACT (1862) AMENDMENT BILL.—(No. 213.)

Order of the Day for the House to be put into Committee (on Re-commitment), read and discharged.

SUPREME COURT OF JUDICATURE (PROCEDURE) BILL

now

SUPREME COURT OF JUDICATURE BILL.—(No. 215.)

House in Committee (on Re-commitment) (according to order).

Clause 3.

A verbal Amendment made.

Clause 5.

THE LORD CHANCELLOR: There was one point with regard to Clause 5 to which I had desired to call the attention of my noble and learned Friend; but it is too late now, I think, before the final stage of the Bill is reached. This is an Act to amend the Judicature Act of England, and I am unable to see what possible benefit can be gained by applying it to Scotland or Ireland.

LORD HERSCHELL: It is to amend the Supreme Courts of Judicature Acts. There is nothing in the body of it confining the Bill to England, and it might be held to apply to Ireland but for those words.

THE LORD CHANCELLOR: It certainly could not be held to apply to Scotland.

LORD HERSCHELL: Perhaps if you say Scotland you say Ireland too.

Clause agreed to.

Clause 6.

THE LORD CHANCELLOR: The clause I now propose to move, if my noble and learned Friend has no objection, is with regard to the question which was raised the other night with reference to another Bill concerning costs being granted under the Judicature Act; but it appears to me this is not a fitting opportunity to settle any doubt upon that point, and I will, therefore, not move it if my noble and learned Friend will allow a little time for considering it. What I propose is that, subject to the rules of the Judicature Act, the costs of and incident to all proceedings in the Supreme Court, including the administration of estates and trusts, shall be in the discretion of the Court or Judge, and that the Court or Judge shall have full power to determine by whom and to what extent such costs shall be paid.

LORD HERSCHELL: If my noble and learned Friend will allow me, I should like to see that in print before I say anything with regard to it.

THE LORD CHANCELLOR: By all means; then, I will move it now.

Amendment moved, after Clause 4, to insert as new clause—

"Subject to the Supreme Court of Judicature Acts, and the rules of court made thereunder,

and to the express provisions of any Statute, whether passed before or after the commencement of this Act, the costs of and incident to all proceedings in the Supreme Court, including the administration of estates and trusts, shall be in the discretion of the court or judge, and the court or judge shall have full power to determine by whom and to what extent such costs are to be paid."—(*The Lord Chancellor.*)

Agreed to.

Report of Amendments to be received on Monday next.

POOR LAW (IRELAND) RATING BILL.
(No. 183.)

House in Committee (on Re-commitment) (according to Order): Bill reported without amendment; and to be read 3ª to-morrow.

SHERIFFS (ASSIZES EXPENSES) BILL.
(No. 218.)

Amendments reported (according to order).

LORD HERSCHELL: My Lords, upon this Motion I desire to say a word or two with regard to what took place when this Bill was in Committee. I am not going at all to revert to the subject which was then discussed, namely, the question of adding another person whose concurrence shall be necessary before the regulations which shall be made by the County Councils with regard to the reception and accommodation of the Judges are sanctioned. It is merely with reference to the operation of that clause that I desire to say a few words. It seems to me that its effect has not really received sufficient consideration. I do not propose to move the Amendment now, but what I would venture to throw out for your Lordships' consideration is that it would be really much better that the rules referring to these matters should be made by the Secretary of State for the Home Department than that they should be made by the County Councils, with the concurrence of the Lord Chancellor. I will point out in a moment my reasons for saying so. The proposal in the Bill might obviously in particular cases lead to a deadlock of a very disagreeable character, and one which, I think, would not tend to the dignity of the Judges in the administration of justice, or to the advantage of the country. The Bill proposes that these rules for the reception of the Judges and their accommodation should be made by the County Councils; but the rules would be absolutely ineffectual unless the Lord Chancellor concurred in them. No doubt that was put in as a safeguard in order to secure that arrangements which would be suitable in the administration of justice on circuit should be made, or, at all events, that no others should be made. But let me ask your Lordships to consider for a moment what would happen. Supposing County Councils made rules which the Lord Chancellor did not think fit to concur in; he would refuse to sanction them, and the consequence would be that in that particular county there would be no rules at all. Matters then would, I presume, go on as at present, and the Judge would be left to determine upon the mode of conducting the arrangements as between himself and the Sheriff. He would still have the power which he has now of enforcing his views, and the Sheriff would have to submit to them. Therefore, the result of the Lord Chancellor not concurring in the regulations proposed by the County Councils, would be that things would be brought to a deadlock and the Sheriff would be left under his present liabilities. I cannot help thinking that, in a case where the Lord Chancellor did not concur, disputes would be engendered between the Lord Chancellor and the County Councils, and that the kind of discussion which would take place as to what was sufficient accommodation for the Judges, or what sort of lodgings would do for them, or what other provisions should be made for their reception, would not be likely to be of a very edifying character, or be calculated to be of much advantage in the administration of justice. It seems to me it puts the Lord Chancellor in a very undesirable position, because there would be a possibility of his being thus brought into collision, or into something like conflict, with any of the various County Councils, because each one of them has to form its own regulations, and to carry out its own conception of what is proper accommodation and a proper mode of receiving the Judges. It seems to me, having regard to the fact that the administration of justice is a matter of general concern for the whole community, although the administration of

justice may be carried out by the Judges going to each county, that the country at large is interested in the proper administration of justice and in ensuring that everywhere proper rules shall be carried out relating to the accommodation and reception of the Judges. But there is this further reason; if the whole of these expenses fall upon the county then I quite understand the feelings that the County Council ought absolutely to determine what the extent of those expenses should be. But many of these expenses do not fall entirely on the county. That part of them which relates to the accommodation of the Judges falls almost exclusively on the Treasury, and in many counties exclusively. I do not understand that my noble Friend who introduces this Bill intends that the County Councils should pay any expenses which they do not at present pay. The provision is that the regulations should be made by the County Councils. and that, of course, relates to the accommodation of the Judges. I have looked at the evidence which was given before the Committee, and it comes to this, that in many counties a very large portion of the money is found by the county for the accommodation of the Judges. The view is that they should find that money, and the only question is as to the amount to be found. Then, as regards the other expenses. When a third Assize is necessitated the Sheriff assisted in bearing the expense of that Assize. The Sheriff largely contributed to the expense of that third Assize. That, of course, would continue. Therefore, as regards the third Assize the money will be found largely by the Treasury, while the County Council is given expressly jurisdiction over the rules relating to the expenditure of that money. Of course, I am not suggesting that in every case, or in many cases, you would be likely to have these questions arising as to how the Judges should be received, or what accommodation is sufficient for them. But I can conceive County Councils existing in the future, though not, perhaps, at the present day, where there might be discussion of a very undesirable kind regarding the administration of justice, arising out of circumstances which might have taken place owing to the manner in which justice had been administered. Now, that seems to me to be a result which it is very desirable to avoid. But, my Lords, I have this further reason, that in the view which may be adopted hereafter, when this matter is more thoroughly dealt with, I apprehend the counties will not have to bear any part of this expense. There are counties now which I believe bear practically none of these expenses. An arrangement is made with the Under-Sheriff, by which the fees that are raised are taken by him, and he bears the necessary expense of the shrievalty, so that in those cases no burden would fall on the county; and I know that is the case in a very large county which I have in my mind. At the same time you would relieve the counties of matters of Imperial interest where the burden should not fall upon them. Of course, that state of things is not brought about by this Bill, but I hope that will ultimately be the case everywhere. It is very undesirable to bring the County Councils into a matter of this description, and for them to make the rules now, when, if you have, say next year, a complete measure dealing with this matter, they will be parties really not interested in making the rules at all, because they will not have to bear the burden of the expense. I would submit under those circumstances, whether, if this be a temporary measure it would not be better to leave the determination of these matters to the Home Secretary, in which case you could not have any of these difficulties and differences of opinion, probably resulting in a deadlock, which you might have if these proposals were carried out. I do not think it is conceivable that any injustice would in that way be done to anybody, and I think that it would be better for the matter to be carried out uniformly over the whole country, than that each County Council should act according to its own ideas in reference to the rules under which the administration of justice shall be carried out.

*THE EARL OF CAMPERDOWN: My Lords, the proposal of my noble Friend, as shadowed out by him, is rather a large one to make at this stage of the Bill, and until we see the Amendment drawn out in terms, I should prefer to reserve such remarks as I may have to make to

it. But there are one or two things which I should like to say to your Lordships which strike me at this moment. In the first place, this question of substituting the Home Secretary for the County Councils and the Lord Chancellor had not escaped my attention, in the first instance, and I have taken steps to try to ascertain whether such an arrangement was likely to be approved of. I am bound to say I did not find that that arrangement was likely to meet with approval in certain influential quarters. But, leaving that point, there is another one which I think the noble and learned Lord has almost entirely passed over, and that is that the County Councils will have to find the money. The noble and learned Lord says the County Councils will not have to find the money, because ultimately the Under Sheriffs will become the officials of the County Councils, the fees which are received by the Under Sheriffs will go to the County Councils, and the County Councils will be able to make such arrangements as to make the sum which is received in fees recoup them for all the expenses which have been incurred in respect of the duties of the High Sheriff. That may, or may not, be the case; we do not know how that will be until it is proved; but, at all events, even if it happens, as the noble and learned Lord supposes, that the County Councils will have the control of the Under Sheriffs, the Under Sheriffs will be the officers of the County Councils, and the money will therefore pass through the hands of the County Councils. So that, to that extent at all events, the County Councils will have to find the money. Now, with regard to the Judges' lodgings, I must remind your Lordships that the Judges' lodgings is only one of the matters concerned, and that the other point, the protection of the Judges, was left unnoticed altogether. But is it true, as a matter of fact, that the Treasury do find the money at present, and are they prepared to find it in the future? I know that in certain cases the Treasury do find a very substantial part of the money, if not the whole of it; but there are a great many other cases in which they do not, and I think the Treasury would be very reluctant to take upon themselves any additional burden. Of course, if the Treasury will come forward and say that they will take upon themselves the whole expense of lodging the Judges, and if they are also prepared to take upon themselves the whole expense of protecting them and managing the business of the Assizes, then I quite admit the argument is a very good one, and that we may hand over the making of these regulations to the Home Secretary, or to any other official whom the House may choose. But we have to deal with the state of things which at present exists, and here I must point out that the High Sheriffs' expenses are not limited to finding accommodation and lodgings for the Judges, but that the High Sheriff has also to find the javelin men, or else to arrange for the attendance of police who are to protect the Judge. Those police are to be paid for by the county; and when it is also proposed by this Bill to throw upon the county any other expenses of that kind which may be incurred, I think the county will be very reluctant to say that they are prepared to pay whatever expenses the Home Secretary may choose to throw upon them. The reason why the Bill at present proposes to enable the County Councils to make these regulations is because it expects the County Councils to pay, and I do not know why we should not trust the County Councils in the matter. I apprehend the whole principle of our local legislation is to trust the County Councils as far as we can in these matters. Of course, it is possible there may be certain cases where the regulations made by County Councils may not be approved. The Lord Chancellor may not approve of the regulations which are made by the County Councils. If such case occurred, what would happen? Why, you will have to fall back upon the present practice, and if the present practice would be discreditable then it is discreditable now, and it is the more discreditable because it is universal. That is the reason why this Bill is introduced. My Lords, I shall not offer any further remarks until I see the Amendment, but I think, at the same time, it is a very large Amendment to make at this stage of the Bill.

THE LORD CHANCELLOR: I cannot help thinking that the noble Earl has not quite sufficiently answered the ob-

jection which has been pointed out by the noble and learned Lord (Lord Herschell.) He says you will revert to the old practice if the Lord Chancellor and the County Councils disagree. I do not find that in the Bill, and I very much doubt whether that is a true construction. It seems to me things would then come to a deadlock, and I do not find any provision as to what is to be done in that event. I can only say that I cannot find it in the Bill.

THE EARL OF CAMPERDOWN: If I may be allowed to give an answer, I think what would happen would be this: If a deadlock arose the Judge would settle the matter with the High Sheriff by telling him if he did not do so-and-so, he, the Judge, would fine him, just the same as at present.

THE LORD CHANCELLOR: I very much doubt whether that is the true construction of the Bill. It seems to me to deprive the Judge altogether of any such power as he now possesses. Of course, I do not acquiesce that he does possess any. As the Bill is framed, it seems to me to leave the particular cases pointed out by my noble and learned Friend unprovided for. I point that out to the noble Earl, because, if that is so, and that is my present impression, he will probably think it right to meet that in the event of the Bill going further. I can only say for myself that so long as I keep my present office I shall be heartily grateful to anybody who will transfer this function to any other member of the Government. I do not feel at all anxious to exercise the jurisdiction which this Bill puts upon me, and I am not quite certain that arrangements might not be made by the Home Secretary with the County Councils which probably would satisfy everybody. I will take this opportunity of referring to the statement of the noble Earl who spoke the other night of a Judge threatening a High Sheriff for not wearing a particular coat, and I said I had no knowledge of such an occurrence; but I must mention that I have received a letter from a gentleman who says that he remembers the circumstance well, and he goes on to give the name of the persons concerned in the incident. This only shows how such things can be exaggerated. I do not name the persons to the transaction, because some of the actors in it are alive, and it might give pain to do so. It was a matter which occurred long ago, and so far from its having any relation to the dress worn by the High Sheriff, the fact is that the High Sheriff had been guilty of the greatest possible impropriety and defiance of the Queen's Representative, and it was for that that he was fined £500. It had no more relation to Court dress, or to the coat the High Sheriff was dressed in at the time, than it has to do with this Bill.

THE EARL OF KIMBERLEY: There is just one point to which I would refer with regard to the compulsion upon the County Councils to pay. I apprehend as the Bill stands, whether they make regulations or not the construction which has been put upon the Bill is correct, that they will have to pay. It would be a considerable punishment to them that they would still have to pay all the expenses; but I really do not think we need be so very distrustful of these County Councils. We have constituted them, and our whole wish is to make them useful and responsible bodies. In most of the counties they consist of persons of considerable position in the county, and they are the principal body now in the county itself. I cannot think, therefore, that it is at all necessary we should show the distrust of them which is apparently shown by my noble Friend behind me. I have no doubt they will feel, as we all feel, that the dignity of the Judges should be consulted, and that everything which is proper to be done for the purpose of showing respect for whatever is connected with the administration of justice will be done. If it should happen, unfortunately, that any County Councils should fail in their duty, it may probably be necessary to deal with them in another way; but I quite agree with my noble and learned Friend behind me, that if the regulations are to be imposed upon the County Councils by an authority from without, then it is only reasonable that the Treasury, that is to say the Secretary of State, should act in the matter, and I do not suppose my noble and learned Friend would make any great objection to that arrangement.

Bill to be read 3ª on Monday next.

BIRSTALL WESLEYAN CHAPEL TRUST SCHEME CONFIRMATION BILL.—(No. 204.)

House in Committee (according to order); Bill reported without amendment; and to be read 3ª to-morrow.

ALDERSHOT ROADS BILL.—(No. 219.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE UNDER SECRETARY OF STATE FOR WAR (Earl BROWNLOW): My Lords, the object of this Bill is so to re-construct and re-organise the roads and tracks in the neighbourhood of Pirbright and Bisley Common that a sufficient track may be found for rifle practice with the long range rifles without any undue danger to the public. The Bill has passed through the other House, and I trust your Lordships will give it a Second Reading. I propose that the Bill should be referred to a Committee of the whole House.

Bill read 2ª (according to order), and committed to a Committee of the Whole House on Tuesday next.

COMMITTEE OF SELECTION FOR STANDING COMMITTEES.

Report from, That the Committee have added to the Standing Committee for General Bills the Lord Chaworth (*E. Meath*) for the consideration of the Pharmacy Act (Ireland) (1875) Amendment Bill, and the Lord Watson and the Lord Macnaghten for the consideration of the Marriages in British Embassies, &c. Bill. Read, and ordered to lie on the Table.

BANKRUPTCY BILL.—(No. 188.)

Petition in favour of; of the Association of Chambers of Commerce of the United Kingdom; read, and referred to the Standing Committee for Law, &c.

PENAL SERVITUDE.

QUESTIONS—OBSERVATIONS.

*LORD NORTON: In rising to ask the Lord Chancellor whether the Government intend to introduce a Bill next Session on the subject of the length of terms of penal servitude, said: This is a repetition of the question which I put to the Lord Chancellor at the end of last Session, and I need not repeat the reasons for the question, which I gave at full length then. The answer that I got from the noble and learned Lord was, that he was aware that the subject was under the notice of the Home Secretary, but that it had not been considered by the Government. I understand now that a Bill is ready drafted, and I hope that the noble and learned Lord will be able to tell your Lordships that it has been approved. What I want to know is, now that the commencement of the next Session is so very near, if the noble and learned Lord can tell us whether the Government have made up their minds to introduce this Bill early next Session. I can only say it is a far more important Bill than it seems from the size of the Bill, the proposition being simply to restore among the terms of penal servitude a minimum term of three years which was omitted in the Act of 1879. In a very interesting little pamphlet, published by Sir Edmund Du Cane, in 1885, he pointed out two things: first, that a very great mistake was made by Parliament in 1854, when penal servitude was substituted for the exhausted and no longer practicable punishment of transportation. I served upon the Committees which considered this subject myself, and I protested then, as Sir Edmund Du Cane says, against the mistake of assigning periods of penal servitude in proportion to the previous terms of transportation, which was a punishment, as your Lordships know, of no similitude whatever to the substituted punishment of penal servitude. It was also a mistake, that not only were the maximum terms a great deal too long, but by the omission of the minimum term, the term which comes between the maximum term of imprisonment and the minimum term of penal servitude in the Act of 1879, there is a want of sequence in the scale of punishments which is very detrimental to their efficacy. As Sir Edmund Du Cane puts it, the two punishments of imprisonment and penal servitude are absolutely similar. They are, indeed, only two kinds of the same category of punishment, the latter being the longer and ending in service on public works. But the two ingradations would make a complete scale of

punishments. The longer terms of penal servitude had lost much of their deterrent effect by their length, which is the principal object of all punishment; but this minimum term which has been omitted would be found to be most useful, and, by its omission, leaves a gap in the centre of the scale, and I am perfectly convinced myself that the simple restoration of that minimum term of three years, which is the whole object of the Bill which I understand the Home Secretary has ready drafted for introduction, would make the punishment of imprisonment a much more useful weapon in the hands of the Judges and Magistrates of this country. They ask for that restoration, and I believe we should not have the number of re-committals to prison, which is a painful subject of comment by all visitors of prisons at this moment. It is at this moment, I believe, the only thing which arrests the steady decrease of crime in this country which has been brought about by our improved system of education, Reformatories, and Discharged Prisoners' Aid Societies. I therefore hope the Government will be able to assure your Lordships that they intend to introduce a Bill for that purpose early next Session.

THE LORD CHANCELLOR: I am afraid I am unable to give my noble Friend anything very satisfactory, because what I was about to state he appears already to know, that is to say, that [the Bill he mentions has been drafted, and has been approved of. It contains in it the clauses to which he refers, that is to say clauses for the introduction of a minimum term of penal servitude of three years. With regard to the other point which he asks about, I am unable to give him any information as to the time when Her Majesty's Government will introduce the Bill, as its introduction will depend on the state of public business.

MARRIAGES IN MALTA.

QUESTION—OBSERVATIONS.

*THE ARCHBISHOP OF CANTERBURY, in rising to ask Her Majesty's Government—(1) Whether any regulations now proposed to be made, under an ordinance to be submitted to the Council of Government in Malta, to regulate the civil effects of marriages celebrated heretofore, or which will in future be celebrated in that island, will in any way invalidate, or cast any doubt upon the validity of, any mixed marriages heretofore celebrated in *bonâ fide* with the sanction of the constituted authorities of the island; (2) on what ground of law it is proposed to be declared that any marriages so celebrated will be invalid in the future, said: My Lords, the questions of which I have given notice, and which are upon the Paper, arise out of certain statements which appear in the Correspondence connected with Sir Lintorn Simmons's Special Mission to the Vatican with regard to religious questions in the Island of Malta, and I must say that the statements as they stand have given rise to a great deal of disquietude. I need scarcely assure your Lordships that I shall not introduce any religious exasperation into the discussion of questions like these, although they are very important from a religious point of view. I shall import no *odium theologicum* into the question, but I will just read, in the first instance, two paragraphs from a letter of Sir Lintorn Simmons to Cardinal Rampolla, and when I have done so I think you will agree with me that it was not wonderful that they have occasioned disquietude. The first paragraph is this—

> "The undersigned (that is, Sir L. Simmons), has to inform your Eminence that Her Britannic Majesty's Government will cause a project of law to be introduced in the Council of Government of Malta in accordance with its declarations."

The first declaration—being a declaration of the Pope, having for its object to regulate the civil effects of marriages celebrated heretofore, or which will in future be celebrated—is this—

> "That marriages celebrated in Malta by all those who profess the Catholic religion, whether both contracting parties be Catholics, or whether one of them be a Catholic and the other a non-Catholic, are not, and shall not be, valid if they are not celebrated according to the form established by the Council of Trent."

And a second declaration of His Holiness was—

> "That persons professing any other religion may validly celebrate their marriage without the necessity of going through the form established by the Council of Trent."

Well, a vast amount of, I do not hesitate to say, alarm and anxiety has been

created by the statement that what are called mixed marriages between Roman Catholics and persons of other religions are not at the present moment, and shall not be in future, valid unless they are celebrated according to the regulations of the Council of Trent. There have been a very great number of marriages during the last 90 years, since we first entered upon the occupation of the island, which have not been celebrated in that manner, and, therefore, the Pope's declaration goes to show that all those marriages are invalid, that all marriages so celebrated will, in future, be invalid. That declaration affects all ranks of persons in our own Church, as well as Presbyterians, Methodists, and others, in great numbers, who have been married upon the faith of a licence from the Bishop of Gibraltar, or upon licence issued by the Governor of Malta. All those marriages, according to this declaration, are at the present moment invalid, and it is declared that no valid marriage can be celebrated in future except in the particular manner described. Of course, also a great deal of property, a great deal of character, and a great deal of position, depends upon this declaration. The British Government intend, as we were informed by a letter which appeared in the Press, by direction of the noble Marquess, on the 18th of this month, to remove the doubts which have arisen by legislation in cases in which neither party is a Roman Catholic. It is desirable to remove those doubts by legislation, and in order to secure that legislation it has been found necessary to consult the Vatican. Well, there is no doubt as to what the answer from the Vatican is. Of course, marriages in which neither of the parties is a Roman Catholic will be considered from this time as valid. But the question of mixed marriages remains. That is a very serious question, and in Malta a very large one, if the Pope's declaration is to be our law. Very serious civil effects will be created by the declaration that they are not valid unless celebrated according to the decrees of the Council of Trent, which require that where either party is a Roman Catholic the marriage shall be celebrated before a Roman Catholic priest, and the custom has grown up in modern times of a refusal on the part of Roman Catholic priests to celebrate such marriages at all unless there is a promise that the children shall be brought up as Roman Catholics. That is the first point. There is another promise, though of less importance, that the marriage shall not be celebrated again by a minister of any other religious body. The action to be taken of declaring Protestant marriages, as we speak of them, to be valid in future, would seem to make those mixed marriages which have not been celebrated with Roman Catholic rites more doubtful than they can be regarded as being at present, and would make them impossible in future. It would certainly leave a wretched inheritance. There is no question whatever as to the force of the language. It speaks of marriages which have been celebrated "heretofore," and the state of matters which I have described will greatly curtail the liberty of English people in the future. We contend that such marriages are valid already, and that they do not want validity at all. We do not admit that they want to be made valid. The whole view of those who desire to introduce this legislation, that is to say, to adopt the declaration of the Pope (those persons not being, of course, our own Government, except as a matter of necessity or policy), is that these marriages are now legally invalid, and to be treated as invalid in future. But that most serious issue rests upon a single assertion. That single assertion is this, that the Canon Law is in Malta the Civil Law in respect of marriage. It is asserted that the Civil Law in Malta is, and always has been, as regards marriage, the Canon Law of the Roman Church. That is stated by Sir Lintorn Simmons perfectly distinctly in a Memorandum with which he himself, upon the advice of the Law Officers in Malta, furnished the Court of the Vatican. He says—

> "The law of Malta in regard to the forms necessary to the validity of a marriage even as to the contract is the Canon Law, and in that respect the Canon Law is also the Civil Law of Malta"

Now, my Lords, what does that mean? Does it not present itself as a very singular thing, in the first instance, that Canon Law should be the Law in Malta as regards the marriages of all persons? I need not refer to the fact

that the Canon Law rules as regards ecclesiastical benefices, advowsons, and matters of that kind. Of course, it does. But we are told that a single fragment of the Canon Law exists in Malta for all persons for this one purpose. My own idea is that neither this nor any other part of the Canon Law has been the Civil Law in Malta. I should like, parenthetically, to insert a single consideration here, namely, that it is not the Canon Law which is named in the Declaration of the Pope, but the decrees of the Council of Trent. Now I wish to observe, in passing, that it is admitted on all hands that the decrees of the Council of Trent are not *ipso facto* part of the Canon Law; they only become part of the Canon Law if there is some special law or Order of State by which they are inserted, importing the provisions of the Council of Trent into the Canon Law. That is a matter on which I do not wish to speak further now, and I pass it by for the present, because the point now rests upon the assertion that the Canon Law is the Civil Law of Malta. But how is it shown that the Canon Law is the law of Malta? We have had lately a Report from the Crown Advocate of Malta on this subject which the Right Hon. Mr. W. H. Smith read the other evening in another place, and with your Lordships' permission I will quote it. In his answer to a question put to him on the subject the Right Hon. Mr. W. H. Smith said—

"The Crown Advocate at Malta has reported that the matters which in Malta are governed by the Canon Law are marriages, ecclesiastical benefices and advowsons. The Canon Law of these matters was introduced into these islands by usage long before the British occupation, and has remained in force to the present day."

Now, I particularly call your Lordships' attention to what immediately follows in the right hon. Gentleman's statement.

"This is the whole of the Report."

There are no grounds of law alleged at all upon which that is laid down. The whole of the statement is that—

"The Canon Law on these matters was introduced into the island by usage long before the British occupation and has so remained."

But, my Lords, usage is never quoted in matters of this kind, and things have never been settled upon usage when there is an enactment to be produced, and clearly there is no enactment to be produced in that sense. But, on the other hand, we have an enactment to produce on our side. There was an enactment made in the contrary sense, and I say the *onus* rests upon the Crown Advocate and other Law Officers of Malta to show us when and how the enactment was superseded, which I shall lay before your Lordships, and that it is not sufficient merely to make a statement of that kind. I will take, then, this as the text, that the existing law as regards marriages is the Canon Law, and that that was the usage in the island before the time of the British occupation. Now, it is mere matter of history that the law under which the island was governed at the time of the British occupation was a very distinct Code, called the Code Rohan. Rohan as your Lordships know, was Grand Master of the Knights of Malta, and by the year 1782 the Code Rohan was fully established. A provision in the Code Rohan orders that—

"If a marriage shall have been contracted between a foreigner and a Maltese woman, or between a Maltese man and a foreign woman, in default of written compacts and agreements, it shall be considered as having been contracted in accordance with the practice and usage of the country."

That is to say, unless there is some written contract or compact, or agreement to the contrary, a marriage contracted (it does not say how, there are no limitations) shall be considered to have been celebrated according to the practice and usage of the country. Therefore, of course, in the supposed case, it was not contracted according to the decrees of the Council of Trent, since an article in the Code Rohan has to state that it was to be considered as if it had been contracted in that way. So that under the Knights of Malta the Code Rohan was in force containing a provision to the contrary of what was said to be the provision of the Canon Law; and it had been so for a long time before that, because there is a book called *Appeals from Malta*, published in 1811, where it is pointed out that the Code Rohan (I should tell your Lordships that these appeals are put forward *by the nobility, gentry, and people of Malta to the English people*) differs very little from the Code which was in existence in the year 1721. Then came the occupation by the French Republic, and it is quite certain that the French did not introduce the Canon

Law. But we find in the history of Malta that one of the chief objections of the Maltese people to the dominion of the French arose from the feeling on the part of

"The clergy, who not only saw themselves despoiled of their resources, but withdrawn from the influence of the Court of Rome."

It is very clear, therefore, that the island had a distinct Code, and that in that Code there was an article which touched the question of mixed marriages, and ratified them, without providing that the supposed foreigner must be a Roman Catholic. Then, in the next place, I suppose, it will not be contended that the English introduced the Canon Law. In the year 1811 was published this book of Appeals of the Nobility, Gentry, and People of Malta to the consideration of the British Government, and there we read a complaint on this very account that the British Government had adopted and recognised this very Code Rohan. It is stated there that the Code of Rohan and the Decrees of Hompesch, who succeeded Rohan, were in force. Those were the only rules of justice and the *lex scripta* actually in force; and this book is actually a tirade against the British Government for governing the country still under the Code Rohan. I have seen the terms of the Proclamation of 1801 quoted on the other side. That declares that

"The King's Majesty of England will protect your country, your holy religion, your persons, and your property."

It is a promise to protect their country, religion, and rights, and not to introduce the Canon Law. That it was in force is refuted by the bold tirade against our Government which runs through this book of 1811, complaining that the Code Rohan has been adopted by the English. Throughout the whole book there is not the slightest mention made of, or request for, the Canon Law. I pass over a number of other passages, as I do not wish to weary your Lordships. But we have abundant proof there, that the Canon Law was not recognised as the law. Then there is a well-known book, or materials for a book, on the history of Malta, published in 1811, which gives us the condition of Maltese law. It states—

"In the present practice of Malta, whenever difficulties arise, not only precedents are sought for of cases formerly decided in the Island, but the Roman Law and the decisions of the Italian Doctors are referred to."

Then came the Proclamation of the year 1813, which is in its terms very like the Proclamation issued in the year 1801. I need not detain your Lordships with that. But let us see if any of the learned persons who have investigated the question on the spot have ever found, or even heard, that the Canon Law was the Civil Law in Malta. There is not a trace of it. Take the Report of Mr. Austin and Sir George Cornewall Lewis in 1839. That bears out all that we have seen already. This was an inquiry into the law of Malta, and it says—

"The law of Malta is mainly derived mediately or immediately from the Roman Law; its technical language for the most part is the language of the Roman Law, and it is the boast of the people that they have the Roman Law."

Again, Sir George Cornewall Lewis and Mr. Austin say—

"Most of the Maltese Law is derived directly from the Roman Law; and there have been new principles introduced into the Roman Law from the Law of England,"

but not from the Canon Law. They say that many of the principles of the law of England have been introduced into it. There is not a mention of the Canon Law having any part in determining the destinies or affecting the property or persons of the people of Malta. Then, again, it is stated that

"The members of other Churches; that is, other than the Roman Catholic Church, have complete protection in their public worship."

I apprehend that would not have been the case if a member of any Protestant denomination was obliged as a solemn act to be married only before a Roman Catholic priest; so that if he is not married before a Roman priest, he is to lose his civil rights as a married man, and that his children shall lose their rights; or if he had been bound, upon the celebration of his marriage by a Roman priest, to make a promise as to the bringing up of his children, and also that he would not go into his own church to be married by licence of his own Bishop in accordance with the rites of his own Church. There is no indication of anything in the least like that; and the Article of the Code Rohan was established as the law of the island on this point. But, besides that,

we have had a perfectly continuous current of authority upon the matter from time to time. We have had the interpretation of 90 years. During the whole of those 90 years licences have been granted by the English clergy, and Civil Authorities in the island, whether the Bishop or Governor; marriages have been celebrated by our clergy, and by the ministers of other denominations there, and the certificates of those marriages have been, I am assured, received in Probate and Divorce proceedings, both in our own country and in the Courts of Malta, as establishing the validity of such marriages. My contention is, that the marriages are valid; and I say the last thing we want is that they should be now made valid by an enactment. My Lords, it would introduce a state of things in which, by our own law, every child of a mixed marriage in Malta would have to be brought up to be a Roman Catholic. There is no such state of things anywhere else in our dominions. We have other places quite as Roman Catholic as Malta—Quebec and the Mauritius, for example—and in both of those places people can be married by their own rites, and mixed marriages can be carried out without any difficulty. Such is, and should be, the case in Malta. The Canon Law is not the Civil Law of Malta, and to make it such would be to introduce the decrees of the Council of Trent for the first time as the Law of Marriage in the island. The Canon Law has had its power over all Catholic countries at one time or another; but what I particularly contend is that all I have said shows that in Malta, in regard to this particular point, it long ago came to an end there as elsewhere. It is not our marriages that need vindication, but so strange an assertion as that in this day in respect of civil marriages—the Canon Law is the law of Malta. This would fix the yoke of the Canon Law and the Decrees of the Council of Trent together upon marriage for the first time. As I have said, the Decrees of the Council of Trent did not, and do not, become part of the Canon Law or Civil Law in any country unless by special intervention of the State. My Lords, there is a very strong feeling on this matter both among Nonconformists and Church people. This very week the great Wesleyan Conference is debating this matter, and I would urge that law and justice should be done in this matter. We desire to be fair and just to Roman Catholics, and to recognise the rights of Roman Catholics, but justice to Roman Catholics in this case does not certainly involve or require the sacrifice of the rights or the violation of the consciences of our own people. I am convinced that the desire of the Government is to be just on all sides, but it would not be acting justly to our own people that these arrangements of Sir Lintorn Simmons should *verbatim et literatim* be carried out. I have very little doubt that the Government will be able to give an answer that will allay the great disquietude that exists on this matter—an uneasiness that is increasing from day to day; and, in these circumstances, I have thought it right to ask the Government whether they intend to do anything which will cast doubt upon the mixed marriages which have hitherto been considered valid when celebrated *bonâ fide* under the authorities of the island, and also on what ground of law it is proposed to declare that marriages so celebrated will be invalid in the future?

*THE SECRETARY OF STATE FOR THE COLONIES (Lord KNUTSFORD): My Lords, in reply to the most rev. Prelate, I have to state that the ordinance which has been referred to in his question has only been sent over in draft for the consideration of Her Majesty's Government. It does not in itself invalidate any marriages which have been heretofore celebrated. It is proposed in the Ordinance to validate marriages as to the validity of which doubts have been entertained. Those doubts have not been, and are not, created by the ordinance itself, but they have existed for many years. In the year 1865 the question was raised and laid before the Law Officer of Malta, and before the Law Officers of this country, and, after full consideration of all those opinions, Mr. Cardwell, then Secretary of State for the Colonies, advised that the doubts should be removed, and that validity should be given to marriages contracted by formalities which the parties themselves believed to be binding. He suggested that for this purpose a local ordinance should be passed under the powers given to the

Local Legislature to pass Acts validating past marriages. Such powers were given by the Imperial Act 28 & 29 Vict., cap 64. It does not appear, however, that anything was done at that time. There is no question as to the validity of mixed marriages celebrated in Malta by Roman Catholic priests, but doubts have arisen as to the validity of mixed marriages which have not been celebrated before a Roman Catholic priest. The highest Legal Authorities in Malta, including the present Chief Justice and the present Crown Advocate, have all advised us that marriages in Malta are governed by the Canon Law, of which the Decrees of Trent form an integral part. My answer, therefore, to a great part of the most rev. Prelate's argument is that the Law Officers have advised that the Canon Law is the law of Malta, and that the Decrees of the Council of Trent are part of that law. It may be contended that the Decrees of the Council of Trent have no force in the island unless it is proved that the Council was duly promulgated; but the Legal Authorities in Malta have advised that it was duly promulgated there; that it was accepted by the Civil Authorities; and that it has ever since continued to be the Civil Law of the island. Upon this assumption, the same Legal Authorities have advised that the celebration of mixed marriages before a Roman Catholic priest has always been deemed indispensable in order to give validity to such marriages. I understand now, from the argument which has been brought forward by the most rev. Prelate, that he disputes the opinion which is held by these Maltese Legal Authorities — namely, that marriages in Malta are governed by the Canon Law. It would, of course, be quite out of place now for me to argue in defence of the opinion which has been formed by the highest Legal Authorities in Malta, but I should like to refer very briefly to one or two points brought forward by the most rev. Prelate. In the first place, he has referred to Quebec and Mauritius. Those colonies were in a very different position from Malta, inasmuch as both were conquered, and the Canon Law was not in operation there before they were conquered. In Quebec the law is founded on the old French *Code Civile*, known as the *Coutumes de Paris*. In Mauritius no question could have arisen, as there is a civil marriage under the Civil Code known as the *Code Napoléon* and the Civil *status* ordinance of 1801. As regards the Code Rohan, which has also been referred to by the most rev. Prelate, I can only say I do not profess to give a legal opinion on the clause he has mentioned, but I put a very different construction upon it. The word used in it is "forestieri," strangers, foreigners, and it provides for the case of a foreigner marrying a native, but there is nothing in that particular article to show that they may not both be Roman Catholics. All it says is that if a foreigner, a "stranger," marries a Maltese the marriage should be conducted according to the laws of that country.

*THE ARCHBISHOP OF CANTERBURY: The words are "shall be considered to have been" performed according to the laws.

*LORD KNUTSFORD: That is, for the purposes and in regard of the partition of property. The whole of that chapter, from beginning to end, refers to the partition of property arising out of a marriage, nor, as far as I am aware, is there any provision as to the mode or formalities of celebrating marriages. However, I do not wish to argue the question. I can only say that the construction of it, as I am advised in the matter, is entirely different from the construction placed upon it by the most rev. Prelate. The Report of Sir G. C. Lewis and Mr. Austin refers to certain parts of the law of Malta which have no bearing upon marriage, and the very words quoted by the most rev. Prelate show that the Commissioners were not dealing with the whole question. I think I may say that there is, in truth, no allusion to the Marriage Law of Malta in the whole of that Report. Her Majesty's Government will, of course, carefully consider and will submit to the Law Officers of the Crown any legal opinions or arguments which may be given on this question in opposition to the view which we have been advised is correct, namely, that the Canon Law is the Civil Law of Malta. We have certainly proceeded on the assumption, which we believe to be correct, that marriages in Malta have been, and are, governed by the Canon Law. This is not the place to hold a legal argument, especially between the most

rev. Prelate and myself, who do not speak with authority upon the legal views of this question; and I have only to add that Her Majesty's Government fully recognise the importance of the subject, and that no decision will be arrived at until all the points have been carefully and fully considered.

LORD HERSCHELL: My Lords, I should like to ask one question upon a point which arises out of this discussion and the answer which has just been given by the noble Lord. I understand his position to be that certain high Legal Authorities now express the view that the Canon Law at present governs the law of Malta. What I should like to know is this: Whether this has been the view acted upon by the most rev. Prelate, that these mixed marriages, which, according to that view, would be illegal, have taken place over a long series of years and have been recognised as valid marriages not only in the Courts of this country, but in the Courts of Malta. I think it is an important matter to know whether that is the case, and whether during the many years that these marriages have been taking place, they have been held judicially in Malta to be invalid, or, on the contrary, have been held to be valid, and the children of them to be legitimate and entitled to the ordinary rights of legitimate children.

*LORD KNUTSFORD: I understand the noble and learned Lord to refer to mixed marriages which have not been performed before a Roman Catholic priest?

LORD HERSCHELL: Yes.

*LORD KNUTSFORD: We are not aware of a single case which has been brought before the Court of that kind. There have been cases in Malta where the parties have been married before a Roman Catholic priest and have been some time afterwards married before a Protestant minister, but we are not aware of any case in which that question has been raised before the Maltese Courts. That is why I am not prepared to argue the question now. I think it is quite probable that where the Governor has given a licence, and a certificate has been granted, it may be recognised in the Courts here, but I am not aware of any decision in the Courts of Malta.

*LORD KINNAIRD: May I ask whether it is proposed that any power which the Governor of Malta has hitherto exercised should be taken away under the new project of law?

*THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): The noble Lord is asking a question in regard to the future. As my noble Friend has stated, the proposals of the Maltese Legislature in draft are now before Her Majesty's Government, and will be subjected to the most careful consideration. Therefore, it will not be possible for us to say in the present state of affairs what future legislation there may be.

*LORD KINNAIRD: May I ask whether the matter will be brought before this House before it is finally ratified?

[No answer was given.]

TITHE RENT-CHARGE.

QUESTION—OBSERVATIONS.

LORD BRABOURNE, in rising to ask the Prime Minister whether, before the re-introduction of any Bill upon the subject of tithes, he will cause to be laid before Parliament statistics as to the varying incidence of the tithe rent-charge in English counties, the proportion in which the same is now paid by owners and by occupiers not being owners, and the number of distraints for tithe rent-charge which have been levied in English counties during the last three years, said: My Lords, the question I have put upon the Paper will only require a few sentences on my part to explain it, but it can hardly be denied that the matter is an important one. During the existence of the present Government several measures have been introduced upon the subject of tithes, all of which have from the force of circumstances been withdrawn; but, as far as I am aware, no statistics whatever have been placed on the Table of either House with regard to the important question with which those Bills have dealt. I think it has very often been said with regard to these measures by supporters of the Government that they really do not re-open the settlement of 1875; but how that can be said when proposals are made to alter the conditions in the country with regard to it it is rather difficult to

imagine. When it is said that that will be the effect that will be produced by legislation, it is desirable we should know the facts not only with regard to the difficulty which tithe owners will have in collecting their tithes, but also the present number of tithe rent-charges in the different English counties. I have seen it stated that four or five English counties pay more than half the entire rent-charge. This, I think, is a matter on which we should obtain information before we legislate on the matter. But there are other points which I think press even more severely upon us; that is to say, it is more necessary they should be elucidated, because various Governments have dealt with them. It is believed in this country that what the Government have intended to do, and will, no doubt, wish to do, is to make the owners pay some impost: and it is desirable to ascertain whether there are any owners who do not pay the charge, and whose occupiers pay the rate instead. Again, it is desirable we should know whether there is a large number of owners who do pay, what the position of the tithe-payers has been, and how the whole question will be affected. Then there is another question, and that is the number of distraints for tithe rent-charge which have been levied in the English counties during the last three years. I think it is desirable, before any legislation is proposed, that we should know something upon these points, and for this reason. We are told in many quarters that the whole legislation proposed has been in consequence of the opposition made in parts of Wales to the collection of tithes, but as far as I can understand this has not been at all in connection with the collection of tithes, but in consequence of the incidence of the tithes themselves. Of course, if the Welsh people choose to disobey the law, as long as it is the law, it is the duty of the Government to put the law in force; and why there should be legislation unless you show that there is some necessity for it upon the basis of statistical information rather passes my comprehension. The importance of this question can, I think, hardly be denied. I do not know whether the Government are aware of the gathering feeling, especially in the southern counties, with respect to the legislation that has been already proposed upon this question, but that it is gaining strength I cannot doubt. I have recently seen a letter written by a very near relative of the noble Marquess the Prime Minister, of which I will only say it shows that sons do not always take the same view as their fathers take; and, therefore, I do not wish to suggest for a moment that the noble Marquess is bound by the opinion of his relative, but the writer of the letter presses for this kind of legislation, because he considers that we are upon the eve of a struggle for the endowments of the Established Church. Without passing any opinion upon this judgment, I am quite satisfied that if we are upon the eve of such a struggle, the sooner there is full inquiry made as to the endowments likely to be attacked, and they are placed on a sound footing, the better will it be for those who have to defend them. Therefore, I merely put the matter before your Lordships, that as we are threatened with a re-introduction of a Bill on this important subject, it is most desirable that statistics should be laid before Parliament which will enable Parliament to come to a just conclusion in regard to the actual position of the question.

*THE MARQUESS OF SALISBURY: I will follow the good example of my noble Friend by avoiding all contestable matter in reference to this subject, and will simply address myself to answering the question he has addressed to me. I am afraid, in the first place, I cannot make the re-introduction of the Bill of the Government subject to the completion of the statistics for which the noble Lord asks, because, even if the statistics were to be easily obtained between this and November, considering that that period includes the habitual holidays of all sorts of persons employed in public offices, I do not think there would be sufficient time to enable the statistics to be collected with the care and accuracy necessary to give them such value that they could be used with confidence and certainty. But, even with that deduction, I am afraid I can hardly give an unqualified affirmative to the question of my noble Friend. He asks me to lay before Parliament statistics as to "the varying incidents of the tithe rent-charge in English counties,"

and I should have been very glad if my noble Friend had appended a gloss which would have indicated the precise meaning which that phrase would bear when submitted to the officer who would have to make up the Return. What is "the varying incidence of the tithe rent-charge?" The tithe rent-charge was imposed by the provision and machinery of the Act of 1836, and I do not think there is any general incidence for any particular county or locality. There is simply laid down by agreement what is thought to be a fair rent-charge under the provisions of the Act of 1836, and that is returned to the Tithe Commissioners. I do not believe there is any such general principle either over large or small areas as the question of my noble Friend assumes. As to "the proportion in which the same is now paid by owners and by occupiers not being owners," there is no authority that has the slightest cognisance of the facts.

LORD BRABOURNE: There is the incumbent.

*THE MARQUESS OF SALISBURY: There is no public office which has cognisance of the state of facts. It would involve the question in each case whether the man who paid the rent-charge was of a particular bit of land the occupier or the owner. Very often a man is the occupier of a certain number of fields, and the owner of a certain number of adjoining fields; he might pay the tithe for the whole of this land, and the incumbent would have no power of distinguishing between that which was owned and that which was occupied. A Return, the value of which would depend upon its accuracy, and which must contain many very complicated figures to be obtained from 20,000 clergymen all over England—well, I will not say more of it than that it would not be completed by next November. I am not sufficiently acquainted with legal practice to know whether it is possible to obtain a Return of "the number of distraints for tithe rent-charge which have been levied in English counties during the last three years," or whether materials for that Return exist. Of course, where there have been distraints ordered by any Court they would not be difficult to ascertain; but those restraints are not ordered by the Court, and, therefore, I am at a loss to know where to obtain the necessary materials; but if it is possible there will not be any objection to the Return being produced.

LORD BRABOURNE: What I mean by "varying incidence" is the amount of the tithe in relation to the letting or rateable value of the land; in some counties the proportion is very high, and in others it is very low.

*THE MARQUESS OF SALISBURY: That, I think, is quite impossible as regards entire counties, for I know by my own experience that of two fields lying next each other the amount of the tithe in relation to the value of the land or the rent it bears will vary as much as possible, and to get at these variations you would have almost to take each particular field from one end of the country to the other.

THE EARL OF KIMBERLEY: I suppose there would be no difficulty in giving the total amount of tithe paid in each county? It varies, no doubt, in a most remarkable manner; but I think it might be obtained.

THE MARQUESS OF SALISBURY: It is already before the House.

VISCOUNT CRANBROOK: Lord Beauchamp moved for the Return two years ago.

THE EARL OF KIMBERLEY: I believe that showed that the tithe rent varied very greatly in different parts of England. I am not moving now for the Return.

LORD BRABOURNE: My noble Friend will see that Lord Beauchamp's Return gives it for each county, the total amount in each parish, and the amount of appropriation between the lay impropriators, the ecclesiastical establishments, and the schools.

House adjourned at twenty minutes before Seven o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS.

Thursday, 24th July, 1890.

QUESTIONS.

CHELSEA PENSIONERS.

MR. WHITMORE (Chelsea): I beg to ask the Chancellor of the Exchequer whether, considering the smallness of the money allowance received by the pensioners of the Royal Hospital, Chelsea, he can see his way to arrange with the Commissioners of the Hospital for the free distribution amongst the pensioners of some portion of the tobacco seized as contraband, and which is now destroyed?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): I am afraid I cannot add anything to the answer I gave to the hon. Member for Salisbury in March in a similar case, that I could not see my way to distribute the contraband tobacco as suggested.

AGRICULTURAL INSTRUCTION.

SIR RICHARD PAGET (Somerset, Wells): I beg to ask the Vice President of the Committee of Council on Education whether his attention has been drawn to a paragraph in the last Report of the Science and Art Department, signed T. H. Huxley, Dean, in which it is recommended that—

"The Courses of Agricultural Instruction at the Normal School should be made more widely known by advertisements in the agricultural newspapers";

and whether, in view of the extreme difficulty of extricating from the "Directory with Regulations," published by the Department of Science and Art, and the Annual Report of the same Department, information respecting the advantages and opportunities offered by the Department to teachers and others desirous of receiving instruction in agriculture, or of the results of the examinations in agriculture, or of expenses incurred in connection therewith, he will cause a summary to be prepared, for general circulation among the managers and teachers of Rural Elementary Schools, setting out shortly all necessary information with respect to the important matter above referred to?

THE VICE PRESIDENT OF THE COUNCIL (Sir W. HART DYKE, Kent, Dartford): I freely acknowledge the importance of the subject-matter of this question, and I promise to see what can be done to make the advantages offered by the Science and Art Department more widely known. But it is, perhaps, as well that I should point out to my hon. Friend that one of the courses in agriculture at the Normal School of Science is not adapted to teachers of Elementary Schools, and that as regards the other—the short summer course—there are, I fear, already more applicants than can be admitted under existing circumstances.

THE RIVER CLWYD.

MR. ROBERTS (Flint, &c.): I beg to ask the President of the Board of Trade whether he is aware that Major Rowley Conway, who is a member of the Board of Conservators of the Rivers Clwyd and Elwy, has caused large stones to be placed in that part of the River Clwyd known as the Junction Pool, which is admittedly tidal and navigable, so as to prevent the netting of it by licensed fishermen; whether he is aware that criminal proceedings have twice been taken by him against the fishermen for netting, and that on both occasions the Justices considered their jurisdiction to be ousted by a *bonâ fide* claim of right; and whether the Board of Trade will, in the interests of the navigation of the river and of the fishermen, take steps to cause these stones to be removed?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): I am informed that at Junction Pool the river is not either navigable or tidal, and the Board of Trade have, therefore, no power to interfere. I am also informed that the matter in dispute is before the Superior Courts.

THE LONDON COUNTY COUNCIL.

MR. LAWSON (St. Pancras, W.): I beg to ask the President of the Local Government Board when he means to introduce the Bill to amend those provisions of "The Local Government Act, 1888," which relate to the procedure of the London County Council?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): A Bill has been prepared dealing with certain questions relating to the financial arrangements of the London County Council, but I regret that there is no prospect of its becoming law this Session. We intend to introduce the Bill early next Session.

LOCAL MARINE BOARD AT CARDIFF.

MR. GOURLEY (Sunderland): I beg to ask the President of the Board of Trade whether he has agreed to establish a Local Marine Board at Cardiff; if so, if it is his intention to appoint representative sailors as members of the Board?

*SIR M. HICKS BEACH: It is intended to establish a Local Marine Board at Cardiff, and I contemplate the appointment upon it of one or more members of the class of able seamen.

OCCUPATION OF ZEILA.

MR. STANLEY LEIGHTON (Shropshire, Oswestry): I beg to ask the Under Secretary of State for Foreign Affairs if he can inform the House whether it is the intention of the Government to concede to the French the right to occupy Zeila?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): No, Sir; there is no such intention.

MERCHANT SEAMEN'S FUND.

MR. LYELL (Orkney and Shetland): I beg to ask the President of the Board of Trade whether it is the case that the Government have confiscated the payments made by George Tulloch, a Shetland seaman, to the Merchant Seamen's Fund without any equivalent return; whether these payments were compulsory deductions from his wages; and whether the Government will rectify the mistake, by ordering the repayment of the same to be made to George Tulloch?

*SIR M. HICKS BEACH: Before the year 1851 the Merchant Seamen's Fund was managed by Trustees, who received and disbursed the compulsory contributions of seamen. In the year 1851, the Fund being insolvent, an Act was passed to wind it up, and relief was limited to those seamen only who voluntarily continued to contribute. George Tulloch ceased to contribute when the payments became voluntary. He is consequently, by this omission, disqualified for the grant of a pension. The contributions of George Tulloch were not received by the Board of Trade, and no mistake has been made by the Board, who have no authority to return any contributions he may have made.

EDINBURGH TELEGRAPHISTS.

MR. WALLACE (Edinburgh, E.): I beg to ask the Postmaster General whether it is the fact that his new Regulations as to the sick pay of telegraphists were not officially announced to the telegraphists in the Edinburgh Office until the 15th July, being more than a month after their announcement elsewhere; and, if so, whether he is willing to state the reason for this; and whether the recent Regulations as to increased pay of telegraphists were announced in Edinburgh a day later than elsewhere; and, if so, will he explain the cause?

*THE POSTMASTER GENERAL (Mr. RAIKES, Cambridge University): The new Regulations as to sick pay were communicated to surveyors on the 19th of May last, and effect was given to them in Edinburgh from the 1st of June, the date when they came into operation. They were not announced on the 15th of July, and there is no occasion for any official announcement, but I referred to them in this House on the 13th of June. The other Regulations referred to were despatched from London to Edinburgh at the same time as to other towns, but did not arrive in time to be announced on the 14th of July, and so were announced on the 15th. The point is of no importance, and they took effect from the same date in all towns. It is not always possible to insure that all Regulations, even when despatched at the same time, shall be announced simultaneously in every office.

FLASHING SIGNALS.

MR. BALLANTINE (Coventry): I beg to ask the First Lord of the Admiralty whether Admiral Colomb's system of flashing signals was submitted to the Admiralty for trial in 1861, and formally adopted in 1867; whether the Admiralty during this period refused all

pecuniary aid to Admiral Colomb for carrying out the experiments; whether the proposals of Redl, an Austrian, for the improvement of Naval signals, were submitted to the Admiralty in 1852, and finally rejected in 1859; and what money was paid to Redl by the Admiralty during this period for carrying out his experiments, beyond the sum of £1,500 shown in the Estimates?

*Mr. WINTERBOTHAM (Gloucester, Cirencester): Before the noble Lord answers the question, may I ask whether he will re-consider his determination, and submit to the House all the correspondence which has passed between the Admiralty and all those who have at various times brought the subject of "flashing signals" before them, so that before coming to a vote we may ascertain who is really entitled to be rewarded for this invention?

*The FIRST LORD OF THE ADMIRALTY (Lord G. Hamilton, Middlesex, Ealing): I believe that the correspondence, so far as is necessary, will be published. In reply to the question of the hon. Member for Coventry (Mr. Ballantine), I have to say that Admiral Colomb's system of flashing signals was submitted to the Admiralty in 1861, and adopted for the Naval Service in 1867. The Admiralty did not give Admiral Colomb, during this period, any direct pecuniary aid in perfecting his inventions, but he was, from time to time, put on a Committee, and so drew full pay while he was prosecuting certain inquiries and investigations. Mr. Redl's cone system of signals was first brought to the notice of the Admiralty before 1852. The invention was purchased in 1858, but it was never brought into general use in the Navy. No money was paid to Mr. Redl by the Admiralty beyond the £1,500 referred to, of which £1,200 was charged to Navy funds, and £300 to Army funds.

POSTAL COMMUNICATION IN THE WEST OF ENGLAND.

Mr. HOBHOUSE (Somerset, E.): I beg to ask the Postmaster General whether any arrangements have now been made for improving the postal communication from Somerset and the West of England to towns in Hampshire and Dorset?

Mr. Ballantine

*Mr. RAIKES: In reply to the hon. Member, I have to state that considerable improvements have been made in the postal communication from Somerset and the West of England to towns in Hampshire and Dorset. At Southampton, the delivery of letters by day mail is now effected at 9 a.m. instead of 11.45 a.m. At Bournemouth the gain in time has been 1 hour 30 minutes, and in towns in Hampshire or Dorset generally the delivery has been materially accelerated.

THE SLAVE TRADE.

Mr. SYDNEY BUXTON (Tower Hamlets, Poplar): I beg to ask the Under Secretary of State for Foreign Affairs whether any Papers on the Slave Trade will be laid before Parliament prior to the close of the Session?

*Sir J. FERGUSSON: We do not propose to present any Papers respecting the Slave Trade, except the Brussels Act, during the present Session. As the Brussels General Act will entirely alter the conditions of the suppression of the trade, it is proposed to discontinue the presentation of Papers annually in the form of the old Slave Trade Papers, and instead to lie on the Table from time to time collections of Papers which may be of special interest.

Mr. SYDNEY BUXTON: I beg to ask the Under Secretary of State for Foreign Affairs when the General Act of the Brussels Conference on the Slave Trade will be in the hands of Members?

*Sir J. FERGUSSON: The translations are being made; and as it has been found impossible to complete them as far as the voluminous Protocols are concerned before the close of the Session, the Act will be laid on the Table separately at an early date?

THE ABERDEEN MAILS.

Mr. ESSLEMONT (Aberdeen, E.) I beg to ask the Postmaster General if he can say when the acceleration of mails to Aberdeen, rendered possible by the new train arrangements, will begin, and what the saving of time will be at both Aberdeen and London in regard to posting and delivery?

*Mr. RAIKES: I shall be in a position to give an answer to the hon. Member's question as soon as the communications

now passing between my Department and the Treasury respecting the main route to the North are completed.

SAMUEL HUNTER.

MR. CUNINGHAME GRAHAM (Lanark, N.W.): I beg to ask the Secretary of State for the Home Department whether he has received a Petition for the release of Samuel Hunter, represented to be from "Magistrates, members of Town Council, and inhabitants of county borough of Salford"; and if he can grant the prayer of said Petition?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): Yes, Sir; I received such a Petition in August of last year, and I replied that it was not a case in which I could advise any interference.

RATE OF EXCHANGE IN INDIA.

MR. MAC NEILL (Donegal, S.): I beg to ask the Under Secretary of State for India whether the Secretary of State for India will, at the close of the financial year, grant a Return showing the amount of profit accruing during the year to the Indian Government from paying its servants their family remittances, furlough, and pensions at the rate of 1s. 5d., while the current rate of exchange is much higher, being to-day 1s. 7¼d?

THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): The Secretary of State wishes to be allowed to defer his answer to this question until the close of the financial year. He cannot tell until then whether any profit will accrue or not.

SIR R. LETHBRIDGE (Kensington, N.): Arising out of the answer of the right hon. Gentleman, may I ask him if we are to assume that Indian Civil Service pensions are really to be reduced from £200 to £135 by the loss in the exchange, so that these officers are unable to provide adequately for the feeding, clothing, and education of their children, while a profit continues to be made by the Government from the same transaction?

SIR J. GORST: I must remind the hon. Gentleman that at this moment there is a Committee sitting upstairs which is engaged in considering the matter, and it would be very disrespectful to that Committee if I were to express any opinion.

MR. C. WRIGHT (Lancashire, S.W., Leigh): I beg to ask the Under Secretary of State for India if his attention has been drawn to a statement in the *Daily News* of the 23rd instant, as follows:—

> "Indian Government expenditure in England is over 200 million rupees per annum. If the rupee exchanges for 1s. 7d., instead of 1s. 5d., the difference of 2d. per rupee to the Indian Exchequer is £1,750,000;"

and, if so, is it true that a rise of 2d. in the rate of exchange is a clear gain to the Indian Government of £1,750,000?

SIR J. GORST: Yes, Sir; but, so far, the average rate actually realised has been only 1s. 5¾d.

WEST INDIAN MAILS.

MR. WATT (Glasgow, Camlachie): I beg to ask the Postmaster General whether he is aware that, owing to the alterations under the new contract for the carriage of mails to the West Indies, &c., great inconvenience is being caused to merchants consequent upon the change of arrangements, both here and abroad, whereby the connections have been so altered that mails are frequently short-shipped and delivered here so late as to afford inadequate time for reply by the outgoing mail; and whether, having regard to the loss and inconvenience caused to merchants and others, he can see his way to make a representation to the Royal Mail Company to shorten the period now occupied in the passage of their steamers, so as to give greater facilities, pending the introduction of the arrangements concluded under the new contract?

*MR. RAIKES: With the exception of a letter which I have just received from the hon. Member, no complaints on the points named have reached me; but I was naturally aware that, in fitting the new West India Service, with its earlier day of departure, to the old, some slight inconvenience must arise. For example, on two occasions the interval between the arrival of the homeward mails at Plymouth, and the departure of the outward mails from Southampton, was abridged, the interval still being over five days in one case and four days in the other. Even this slight inconvenience may now be considered as ended, seeing that the next homeward mail is due at Plymouth on the 31st of July,

and the next despatch from Southampton is fixed for the 6th of August. The whole of the Service will then be performed under the new arrangements.

CASE OF JAMES N. CORNWELL.

MR. CUNINGHAME GRAHAM: I beg to ask the Postmaster General if he can state the grounds on which he has recently dismissed a second class sorter of 13 years' standing, named James Nowers Cornwell, and without giving him an opportunity of making himself acquainted with the nature of the actual charge against him and replying thereto; whether, although articles of jewellery were taken from his house, they were subsequently returned to him without comment, he having accounted for the same; whether Cornwell was asked to assist in the detection, and did assist in the detection, of dishonest *employés*, and worked generally under the supervision of the Confidential Inquiry Branch for many years, and whether, at the time of such request, Cornwell was suspected of tampering with or purloining a parcel so long ago as September 1888; whether evidence was taken from a person who was reduced in rank through an inquiry instituted in consequence of a report made by Cornwell; and whether he will permit an inquiry into the facts, and allow Cornwell to be present to answer any charge against him, and produce evidence, documentary or otherwise, as he is confident he can establish his innocence if permitted to do so?

*MR. RAIKES: The sorter Cornwell was dismissed upon evidence which showed him, in my opinion, to be unfit for employment in the Public Service. In the course of the investigation he was asked to account for his possession of certain articles of jewellery, and, at its close, these articles were returned to him. Cornwell had occasionally assisted the Confidential Inquiry Branch, and it was not until a comparatively recent date that suspicion fell upon him. The person referred to by the hon. Member was only one of many who gave evidence, and his testimony received corroboration from independent sources. The investigation was a very complete one, and Cornwell was given the fullest opportunity of explaining and rebutting, both verbally and in writing, all the facts which told against him. Since his dismissal, Cornwell has been informed that any fresh facts which he might bring forward would receive proper consideration. He has failed to adduce any new matter, and I must decline, therefore, to re-open the inquiry.

POST OFFICE WORK.

MR. JAMES ROWLANDS (Finsbury, E.): I beg to ask the Postmaster General whether any action has been taken to give effect to the recommendations of the Departmental Committee, appointed in February last to inquire into the duties in the General Post Office and London districts in respect of paying for work according to its quality; and whether any recommendations have been made to the Treasury with reference to the Memorial from the London sorting force?

*MR. RAIKES: I am now in communication with the Treasury upon the subject of adjusting the scales of pay of the sorters in London. As regards the adjustment of numbers on the several classes, this will take rather longer, but no time shall be lost in coming to a decision on the subject.

SUPPLY OF ARMS TO THE ARMY AND NAVY.

ADMIRAL FIELD (Sussex, Eastbourne): I beg to ask the First Lord of the Admiralty whether his attention has been called to the last (fourth) Report from Committee on Public Accounts, page 5, on Naval Armaments; and whether, in view of the above Report, and the recommendation of Royal Commission on Naval and Military Administration that a separate Ordnance Department should be created for the supply of all arms to Navy and Army, he will confer with Secretary of State for War, and endeavour to find a remedy for a system which is condemned by the Public Accounts Committee?

MR. CAMPBELL-BANNERMAN (Stirling, &c.): Is it the fact that the Royal Commission on Naval and Military Administration made any such recommendation as that which is imputed to them in the question?

ADMIRAL FIELD: May I supplement the question with another, whether the Commission did not comment very strongly upon these Services?

LORD G. HAMILTON: The Commission expressed no opinion as to the expediency of providing for a new Department. In reply to the question on the Paper, I have to say that an Inter-Departmental Committee, under the presidency of the Financial Secretary of the Admiralty, and consisting of the Financial Secretary of the War Office, the Accountants General of the Army and the Navy, Mr. Richard Mills and Mr. Edwin Waterhouse, has for some time been inquiring into the existing arrangements connected with the supply and accounting, &c., of warlike stores for the Navy. Their recommendations will, I believe, meet the objections of the Committee on Public Accounts, and give the Admiralty more responsibility and control over the provision and custody of Ordnance stores required for the Naval Service.

LOCAL TAXATION (CUSTOMS AND EXCISE) DUTIES BILL.

MR. ROWNTREE (Scarborough): I beg to ask the Chancellor of the Exchequer in what way it is proposed that the non-county boroughs, and especially the Court of Record boroughs, shall receive any share in aid of their local taxation under the Local Taxation (Customs and Excise) Bill, as proposed to be amended, beyond any sums allotted for police superannuation?

MR. GOSCHEN: The non-county boroughs, inclusive of the Quarter Sessions boroughs, will receive a share of the money in question. The sum received by the county will either be devoted to the payment of charges to which the whole county, including the boroughs within the county, contribute rateably or be credited to the boroughs in common with other local areas in proportion to their rateable value.

MR. STOREY (Sunderland): What will be done with the money in those counties where there is no rate, as is the case in several counties at the present time?

MR. GOSCHEN: The money will then be distributed amongst all local areas in their counties.

COLONEL MAITLAND.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I had intended to ask the Secretary of State for War if he has observed that Colonel Maitland, of the Grenadier Guards, wrote to the papers to say that he had not resigned; if Colonel Maitland has nevertheless been treated as having resigned, and is retired on half-pay; and, if that step is the result of an inquiry showing that Colonel Maitland is so much in fault as to justify his removal, or is it a mere temporary removal, leaving the officer eligible for future employment? I will, however, postpone the question until to-morrow.

ENGLAND AND ITALY IN AFRICA.

SIR GEORGE CAMPBELL: I beg to ask the Under Secretary of State for Foreign Affairs if he will explain what is the boundary alluded to in the Report of the British East Africa Company as having been settled between themselves and the Italians, and depicted in a map; whether a general boundary between the British and Italian sphere of influence in Africa has been settled; and, if so, if he will place in the Library a map showing that boundary?

*SIR J. FERGUSSON: The British East Africa Company are making an arrangement with the Italian Government which includes an engagement as to their respective spheres of operations. It is understood that it is not finally concluded, as negotiations are still in progress on points of detail. This is the only boundary arrangement affecting States in that quarter.

THE GUARDS.

SIR GEORGE TREVELYAN (Glasgow, Bridgeton): I had intended to ask the Secretary of State for War whether it is the intention of the Government that the Guards shall henceforward take their turn of foreign service with the rest of the Army, but at the request of the right hon. Gentleman I will postpone the question.

THE CENTRAL TELEGRAPH OFFICE.

MR. CUNINGHAME GRAHAM: I beg to ask the Postmaster General why clerks employed in the Central Telegraph Office performing duty from 7 a.m. to 3 p.m., and who had volunteered for overtime from 3 to 5 p.m., were not given the same, whereas clerks performing duty from 5 p.m. to 2 a.m. were given overtime from 12 noon to 5 p.m., or a total of 14 consecutive hours' duty;

and whether he will state why the former are debarred in favour of the latter?

*MR. RAIKES: In reply to the hon. Member, I have to point out that the telegraphists performing regular duty from 7 a.m. to 3 p.m. are not available for the overtime which may be found necessary at noon. It is, therefore, necessary to bring on other telegraphists at noon, and when once these officers are at their posts they prefer to work continuously rather than be released at 3.0 p.m. in order to be recalled to duty at 5.0. The two hours between 3 and 5 would be of no use to them for their private affairs, and it is at their own wish that they are allowed to do the whole spell of extra duty from noon to 5. I may add, however, that I am making inquiry with a view to ascertain whether some other arrangement is not practicable.

THE PROBATE DUTY GRANT.

MR. THOMAS ELLIS (Merionethshire): I beg to ask the President of the Local Government Board whether he will direct a statement to be prepared and published, similar to the statement on the distribution of the Probate Duty Grant (Parliamentary Paper, C. 5475, Session 1888), showing approximately what share of the residue of Local Taxation (Customs and Excise) Duties will accrue to the county funds and county borough funds of the various counties of England, and of Wales and Monmouth?

*MR. RITCHIE: If the hon. Gentleman would be satisfied to take a statement showing the amount to be received by each county, inclusive of the county boroughs, I shall be happy to prepare and distribute it. It is not possible, until the final adjustments have been made between counties and county boroughs, to say what will be the distribution as between them.

LOCAL CONTRIBUTIONS, IRELAND.

MR. CAREW (Kildare, N.): I beg to ask the Chancellor of the Exchequer why Ireland did not get in 1889 the benefit of the contribution of £40,000, the amount she now receives in lieu of local taxation licences; whether this contribution is on a par with the Probate Duty Grant, and therefore should have been paid simultaneously with it; and whether the Government will make provision for paying Ireland this sum of £40,000, which was withheld from her in 1889, while England and Scotland received the benefit of grants under this head from the date of the passing of the County Councils Act?

*MR. GOSCHEN: No, Sir; this contribution is not on a par with the Probate Duty Grant, and therefore need not have been paid simultaneously with it. As regards the latter part of the question, I should remind the hon. Member that this is the first year in which the transfer of the local licences became generally operative in Great Britain.

THE NORTH SEA FISHERIES.

MR. HEATH (Lincoln, Louth): I beg to ask the President of the Board of Trade when will the North Sea Fisheries District Order, which has been laid upon the Table since 10th July, be circulated for the information of the House?

*SIR M. HICKS BEACH: The matter really rests with the printers, but I see that the paper to which my hon. Friend refers has been circulated to-day.

THE SCOTCH VOTES IN SUPPLY.

MR. PHILIPPS (Lanark, Mid): I beg to ask the First Lord of the Treasury whether he will take the Scotch Votes in Class III. at an early date next week, in view of the fact that they were taken at the very end of the last Session when many Scotch Members had been obliged to leave town?

MR. SINCLAIR (Falkirk, &c.): I beg to ask the right hon. Gentleman if he is yet able to fix a date for the consideration of the Scottish Estimates; and if, considering the changes introduced by the Educational Clauses of the Local Government (Scotland) Bill, and the very great interest felt (not alone in Scotland but throughout the entire United Kingdom) in the experiment whereby school fees in the compulsory standards have been almost entirely abolished, he will undertake to put down Vote 9 in Class IV. at such an hour that reasonable time may be allowed for adequate consideration of the many important questions which arise on this, the Educational Vote for Scotland?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): So soon as the House has dealt with, and practically disposed of, the Anglo-German Agreement, the Local

Taxation, and the Police Bills, it is the intention of the Government to take up Supply; and when the Post Office Estimates are voted we propose to take the Scotch Education Vote and other Scotch Estimates.

RECEIVER GENERAL OF INLAND REVENUE.

MR. LAWSON: I beg to ask the First Lord of the Treasury whether, in view of the evidence taken before the Royal Commission on Civil Establishments, it is proposed to continue the office of Receiver General of Inland Revenue?

*MR. W. H. SMITH: The subject is one that is now under the consideration of the Government, with a view to seeing how the duties performed by the late Receiver General may best be discharged with efficiency and economy.

LONDON COUNTY COUNCIL (MONEY) BILL.

MR. BARTLEY (Islington, N.): I beg to ask the Secretary to the Treasury why it was that the London County Council (Money) Bill, involving the expenditure of some millions, the Second Reading of which was pressed at 12 o'clock midnight of the 22nd July, was issued in a revised form only on the morning of the 23rd July; and whether, in future, Members may have such complicated Money Bills not less than a day before the Second Reading is moved?

MR. LAWSON: May I ask whether any new powers are given in the Bill, and whether the measure was not carefully considered by the Treasury upon the representations of the London County Council?

*THE SECRETARY TO THE TREASURY (MR. JACKSON, Leeds, N.): That is rather a subject for discussion, and if the hon. Member desires an answer to the question he had better give notice. The London County Council (Money Bill) was issued on the morning of Monday, July 21st. Some clerical errors were discovered in it, and it was found that a small Amendment would be necessary, and I thought it would save time to reprint the Bill. Large numbers of this reprint were at the Vote Office on the afternoon of Tuesday, July 22nd, some hours before the Motion for the Second Reading came on.

*MR. BARTLEY: Is it not a fact that the revised copy circulated after the House had been pressed to read the Bill a second time differed in certain particulars from the original Bill. Was that owing to the mistake of the London County Council?

*MR. JACKSON: I cannot say that it was.

MR. SYDNEY BUXTON: Is the Bill to be taken to-night?

*MR. JACKSON: No, Sir.

*MR. BARTLEY: Will there be any further alteration in the Bill?

*MR. JACKSON: The hon. Member will see that when he gets the Bill.

MALTA.

MR. SUMMERS (Huddersfield): I beg to ask the First Lord of the Treasury whether the Government will consider the advisability of framing and submitting to the Council of Government in Malta a project of Law recognising civil marriage as valid, and allowing the parties to a civil marriage to add thereto such ecclesiastical forms as they may prefer?

*MR. W. H. SMITH: This important question is receiving the careful consideration of Her Majesty's Government.

MR. SUMMERS: I beg to ask the First Lord of the Treasury, in virtue of what authority is the Government of Malta empowered to grant licences to Protestant ministers to celebrate marriages in that island?

*MR. W. H. SMITH: We are not aware of any written authority for the grant by the Government of Malta of licences to Protestant ministers to celebrate marriages in that island. The practice appears to rest on custom.

THE ESTIMATES NEXT SESSION.

MR. J. E. ELLIS (Nottingham, Rushcliffe): I beg to ask the First Lord of the Treasury whether he will enable the House to perform one of its primary duties, namely, that of controling the expenditure of public money, by arranging that next Session the Estimates shall be laid before it as soon as is possible after the Address is voted, and on regular days?

*MR. W. H. SMITH: The hon. Member attributes to me greater power than I possess. I am in general agreement with him in the desire he expresses that

Estimates should be considered and voted as soon as possible, but it rests with hon. Members to afford the opportunity by imposing upon themselves reasonable limitation of discussion on the legislative proposals which it may be the duty of the Government to lay before Parliament.

MR. J. MORLEY (Newcastle-upon-Tyne): May I ask whether the right hon. Gentleman wishes to depart from his former statement that it is desirable to take Supply early in the Session?

*MR. W. H. SMITH: No, Sir, certainly not; but I must ask for the assistance of the House generally.

IRELAND—MR. CHRISTOPHER KEYS.

MR. WILLIAM REDMOND (Fermanagh, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he will state why Mr. Christopher Keys, who was schoolmaster of Edenavigh National School for 28 years, was dismissed from his position lately; has he been granted a pension or gratuity after his long service; if not, can he explain why; who is the manager of the school; and whether any answers have been returned to the Memorials sent to the Board of National School Commissioners?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): The Commissioners of National Education report that the teacher mentioned was dismissed on a charge of deliberate and persistent falsification of his school accounts. He was not granted a pension or gratuity, both because of the gravity of his offence and also because the Teachers' Superannuation Department, to which, in consequence of a Memorial, his case was referred, declared him ineligible. The Manager of the School is the Rev. P. Wilson. Two Memorials were received by the Commissioners in the matter. They were both replied to.

POSTMEN'S HOLIDAYS.

MR. PATRICK O'BRIEN (Monaghan, N.): I beg to ask the Postmaster General whether a Circular has been issued within the past month to postmasters in Ireland notifying them that the Circular of the 4th June, 1889, relative to the earlier return of rural postmen on bank holidays, does not apply to Ireland, on the ground that bank holidays are not generally observed in Ireland; and, if so, whether it is intended that some allowance, either in the shape of extra pay for bank holidays, or relief from duty on some other days, will be allowed to rural postmen in Ireland, to place them on an equality with rural postmen in England?

*MR. RAIKES: Yes, Sir; I find that such a Circular was issued in the North of Ireland, owing to the regulation in force in England having been acted upon in error at an Irish office, and having given rise to public complaint. The regulations on the subject follow the public observance of bank holidays. Neither in Ireland nor in Scotland are bank holidays kept by the community, and I am, therefore, not prepared to withhold postal accommodation from the public on those days. As regards the suggestion of the hon. Member, I do not at present see my way to giving extra pay to postmen in Ireland in lieu of relief on a bank holiday, as that course would put them in a better position than postmen in England and Wales, and so create that inequality which the hon. Member is anxious to obviate.

LAND COMMISSION—TEMPLECROME.

MR. DALTON (Donegal, W.): I beg to ask the Attorney General for Ireland if he can state how many tenants on the estate of Messrs. Twigg and Peebles, parish of Templecrome, barony of Boylagh, County Donegal, served originating notices on or before 1st November, 1887, and how many of the cases are yet unheard?

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): The Land Commissioners report that on the estate referred to 152 originating notices were received in their office between the passing of the Land Law Act in 1881 and the 1st November, 1887, and of this number 42 applications, which were received on 31st October, 1887, have not yet been heard. It is not possible, the Commissioners state, to give the exact date upon which a Sub-Commission will sit to hear these cases; but they are using every dispatch to dispose of outstanding cases as rapidly as possible.

POSTAL ARRANGEMENTS AT CLONTARF.

MR. CLANCY (Dublin Co., N.): I beg to ask the Postmaster General

whether his attention has been drawn to the necessity for improved postal arrangements in the township of Clontarf, Dublin, where, although the population has very largely increased within the last decade, few or no improvements have been effected in that time in the postal arrangements of the district; whether he is aware that the only post office in Clontarf is situated at one extremity of the township, the result of which is that the delivery of letters posted in Dublin is greatly delayed, that parcels intended for the post have in some cases to be carried nearly two miles, and that an extra charge for delivery of telegrams is made in several parts of the township; and whether, if all this is so, he will consider the advisability of immediately establishing a post, telegraph, and savings bank office in some central part of Clontarf, in addition to the office already in existence there?

*MR. RAIKES: An additional post office at which money order and savings bank business will be carried on at Whitehall Terrace, Clontarf, has recently been sanctioned, and it will be opened as soon as possible. When the question was last considered, the amount of the business at Clontarf was not sufficient to warrant the expense of a second telegraph office there, but I am causing renewed inquiry to be made on this point, and I will let the hon. Member know the result. There are at present two daily deliveries at Clontarf, one of these deliveries, namely, that beginning at 12.45 p.m., is limited in area, and an application for its extension to other parts of the district is now under consideration.

BALLYSHANNON WORKHOUSE.

MR MAC NEILL (Donegal, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that the Local Government Board Inspector reported the master of Ballyshannon Workhouse for negligence in the discharge of his duties, including also in his censure Mrs. Sarah Kelly, the matron of that institution, as being in a general way jointly responsible with the master for the state of irregularity prevalent in the workhouse; whether, on the Local Government Board calling for the resignation of both the master and matron, the Guardians requested the master to resign, but made the strongest representations in favour of the matron; whether, on the Local Government Board insisting on the resignation of the matron, that resignation was tendered, but, on no candidate presenting herself for the vacant office, Mrs. Kelly was re-elected by the Guardians, whereupon the Local Government Board refused to sanction her appointment; and whether, having regard to the fact that Mrs. Kelly has for nine years discharged the duties of matron to the Ballyshannon Workhouse with efficiency, having testimonials from the Protestant and Catholic Chaplains and medical officers of the institution, and that the Board of Guardians, at their meeting on the 19th July, have passed a resolution supporting her application for a sworn inquiry into her conduct, he will satisfy the popular demand by directing the Local Government Board to institute such inquiry?

MR. A. J. BALFOUR: The facts are substantially as stated in the first three paragraphs. It is not, however, a fact that Mrs. Kelly has for nine years discharged her duties as matron efficiently. On the contrary, in July 1889, she was severely reprimanded by the Guardians, and warned that another unfavourable report would lead to her dismissal. Notwithstanding this warning, the next official inspection in March last revealed an equally discreditable state of affairs, together with additional irregularities. The Local Government Board cannot consent to the re-appointment of Mrs. Kelly as matron, and as there is no doubt that the irregularities existed, and that the matron as well as the master was responsible for them, the Board cannot undertake to grant a sworn inquiry.

IRISH PRIMARY TRAINING COLLEGES.

MR. SEXTON (Belfast, W.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland what measures have been adopted to place the Irish Primary Training Colleges on a footing of equal treatment by the State?

MR. A. J. BALFOUR: The question involved is chiefly one of expense. I am in communication with the Treasury on the subject, and hope to make arrangements that will be satisfactory to all parties concerned.

MAGISTERIAL POWERS IN IRELAND.

MR. KNOX: I beg to ask the Attorney General for Ireland whether he is aware that, at the Belfast Petty Sessions, on Monday the 16th instant, before Mr. Eaton, R.M., a man named Wallace was charged with committing an assault occasioning actual bodily harm, that it was proved that a serious wound had been inflicted with a reaping hook, and that Mr. Eaton, saying the case was proved, ordered Wallace to pay 40s. and costs; under what Statute Mr. Eaton was empowered to deal summarily with an offender who had committed an assault occasioning actual bodily harm; and whether Mr. Eaton is the gentleman who formerly acted as Resident Magistrate at Mitchelstown?

MR. MADDEN: The charge in the case in question was one of "assault and wounding." The investigation in Court proved that the occurrence arose in a drunken quarrel in which the defendant had received a great deal of provocation from the complainant and others in his company, and was defending himself from attack when he struck the blow. The cut, though severe, was not a serious one. The presiding Magistrate was of opinion that the case was not one requiring to be sent forward for trial at Assizes. With the consent of the solicitor prosecuting, the charge was entered in the Order Book as for a common assault. The man was fined 40s. and 20s. costs, or, in default, one month's imprisonment with hard labour, one-third of the fine and 20s. costs being awarded to the complainant. The man, being unable to pay the penalty, is now undergoing the term of imprisonment. The conviction was made under 24 and 25 Vic., c. 100, s. 42, and 25 and 26 Vic., c. 50, s. 2. The reply to the last paragraph is in the affirmative.

MR. COMMISSIONER WRENCH.

DR. TANNER (Cork Co., Mid): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, at the recent sitting of the Land Commission in Cork on the 3rd inst., Mr. Commissioner Wrench is correctly reported to have said, while hearing a fair rent appeal in the case of M'Grath, tenant, and Bullen, landlord, addressing the tenant—

"You are a very wise man to get your grass seeds from England. If more tenants did that they would have better grass. It will pay you well to get your seeds from England;"

and whether intimation will be conveyed to Mr. Wrench that language such as that quoted is likely to do great mischief to the Irish seed trade?

MR. A. J. BALFOUR: The Land Commissioners report that the tenant in the case referred to stated in the course of his examination at the recent sitting of the Court of Appeal at Cork that he was in the habit of getting his grass seeds from Messrs. Sutton, of Reading. Mr. Wrench then observed that the tenant was "a wise man, and that it would pay him well to do so, and that if other tenants followed his example they would have better pastures." Mr. Wrench being aware from practical experience that the grass seeds obtained from firms who have made the laying down of grass lands a special feature of their trade have given particularly good results, he considered it his duty to call public attention to the fact, as he knows many Irish farmers suffer by obtaining inferior and unsuitable grass seeds from unreliable sources, instead of going to the best houses, of which there are plenty in Ireland, where they would be supplied with seed to suit the quality of their soil. It is needless to say that Mr. Wrench did not mean to convey any slight on the respectable Irish seed merchants..

FALSE ARREST.

MR. ROCHE (Galway, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Government intend to pay the expense of defending the constables against whom Mr. Fahy and Morrissey obtained decrees for £5 and £2 at last Quarter Sessions held at Gort for false arrest; also the cost of appeal which was heard before Judge O'Brien at Galway Assizes, he confirming the County Court Judge's decree, with costs; and whether he will state what course he will adopt in reference to the conduct of the constables?

MR. A. J. BALFOUR: I am sorry that I am obliged to ask for further delay in regard to this question. I am not yet in a position to answer it.

MR. ROCHE: I will repeat if on Monday.

BOYCOTTING IN TIPPERARY.

MR. JOHN O'CONNOR (Tipperary, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland who are the shopkeepers in Tipperary who have been intimidated by Burke, the boot repairer, whom the Authorities say has, while ostensibly carrying out his trade in the street, taken up a position near their shops, and promoted their boycotting by warning persons not to enter; and, if Burke has broken the law, why has he not been prosecuted?

MR. A. J. BALFOUR: I cannot undertake to give the names of the shopkeepers in Tipperary who have complained to the police in the matter referred to, as if, were they known, their position would doubtless be made, if possible, a more unhappy one. But I may mention that in two of the cases where these complaints were made, the persons have, by reason of the boycotting and intimidation practised, been forced to surrender to the lawless agitation in Tipperary. No prosecutions were instituted against Burke, as the shopkeepers refused to give evidence, being afraid of the consequences.

ACTION OF AN EMERGENCY MAN.

MR. SHEIL (Meath, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that the emergency man who resides in the house of Miss N. Kieran, of Teggatt House, Navan, has more than once locked that lady within doors, and refused her egress to attend mass; that this man so acted under the written instructions of William Rochfort, who is agent to Lord Howth; and whether he will take any steps to prevent any further interference with Miss Kieran when she wants to leave her house to attend divine service?

MR. A. J. BALFOUR: The report I received in connection with a former question concerning the woman mentioned represented that she had no legal claim to continue in the house, but was temporarily allowed to remain by the landlord merely as an act of grace in consequence of the illness of her sister. I am not aware whether the particular acts referred to took place, but even if they did they are not such as the Executive Government would have any title to interfere in.

IRISH TELEGRAPH OFFICES.

MR. DILLON (Mayo, E.): I beg to ask the Postmaster General whether the Cork Telegraph Office has hitherto been recognised as a first-class office, in the same manner as Liverpool, Manchester, Dublin, Belfast, and many other large offices in the United Kingdom, the clerks in all such offices receiving an equal rate of pay; whether under his new scheme recently promulgated, the above-named offices are continued as first-class offices, while Cork is placed in a greatly inferior position; whether the first-class clerks in the above-named offices will in future receive a maximum salary in the case of Belfast of 54s., and of the other named offices of 56s. per week; whether, in the case of Cork, the maximum in future will be only 50s., as at present; whether the work performed in the Cork office is of the same quality, the duties are as arduous, and the average amount of work per man equal to that performed in the offices in which these higher maximum salaries are to be paid; and whether, in view of the discontent likely to be produced among men receiving lesser pay for the same amount and quality of work, he will re-consider the case of the Cork office?

*MR. RAIKES: In framing the new scheme to which the hon. Member refers, I have considered it right to take into account the strain imposed upon telegraphists in certain busy centres, together with the value of labour and the cost of living in great towns, such as Liverpool, Glasgow, &c. Judged by these considerations there is no ground for increasing the maximum of the first-class wages at Cork, which, therefore, remains at its former standard. The position of Cork has not been reduced because special circumstances have been taken into account in granting increased salaries elsewhere. I should, therefore, not be justified in holding out any expectation of a re-adjustment of the salaries at Cork.

CHARGE OF FALSE ARREST.

MR. ROCHE (Galway, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Government intend to pay the expense of defending the constables against whom Mr. Fahy and Morrissey obtained

decrees for £5 and £2 at last Quarter Sessions held at Gort for false arrest; also the cost of appeal which was heard before Judge O'Brien at Galway Assizes, he confirming the County Court Judge's decree, with costs; and whether he will state what course he will adopt in reference to the conduct of the constables?

MR. A. J. BALFOUR: All the circumstances attending the false arrest will receive careful consideration. Pending the result of that consideration no final judgment can be formed.

EVICTED FARMS IN TIPPERARY.

MR. FINUCANE (Limerick, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether Mrs. Mullally, who was evicted from her holding on the Modeshill property, Mullinahone, County Tipperary, about three years ago, was re-instated about four months since at a rent fixed by arbitration; whether her house has been and is occupied by policemen since her eviction, who have refused to leave though often asked by Mr. Hartford, the agent; whether he is aware that Mrs. Mullally's farm is about three miles from her present residence, to which she is obliged to bring the milk of her dairy cattle twice a day; and whether, as the object of the Government in sending policemen to the Modeshill Estate was to protect the emergency men who were herding 30 evicted farms to which all the former tenants have been restored, the policemen will now be ordered to leave immediately?

MR. A. J. BALFOUR: I must ask the hon. Member to defer the question until I have obtained the information that will enable me to answer it.

THE GALBALLY POST OFFICE.

MR. FINUCANE: I beg to ask the Postmaster General if he can explain the reasons for which Mrs. Donovan was deprived of the Post Office of Galbally, County Limerick, on 2nd January, 1890; whether Sergeant Osborne reported that Mrs. Donovan's stepson, William M'Cormack, who was imprisoned for six weeks, took a commission for an order from a Mr. M'Ferran on 24th August, 1890, but that Mr. Oldfield, Post Office Inspector, on examination of the office, found no order for 24th August with M'Ferran's name; whether he is aware that Mrs. Donovan filled up a form for the surveyor, stating her son filled no form, but acknowledging that he sold some stamps, and promising that he should not do so in future; if it is customary for others besides those making declaration to sell stamps; whether a Memorial, largely signed by inhabitants of Galbally, asking for an investigation to test the truth of the policeman's statement, was sent to Postal Authorities; and will such investigation be now ordered?

*MR. RAIKES: Mrs. Donovan was deprived of her appointment as Postmistress of Galbally, because she persisted in employing on the duties of her office a son whom she had been instructed not so to employ; and it was this fact, and not the occurrence to which the hon. Member refers, that influenced my decision. A Memorial asking for an investigation was received by me; but as the employment of her son was not only not denied, but admitted by Mrs. Donovan herself, no investigation appeared to be necessary.

MR. PERCY MAGAN.

MR. HAYDEN (Leitrim, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, having regard to the fact that the charge against Mr. Percy Magan, J.P., of having obtained money under the Arrears Act of 1882 by false representations, has been repeatedly made during the last nine months, and of his non-compliance with the request of the Land Commission, two months ago, for an explanation, he will consult the Lord Chancellor as to the desirability of suspending Mr. Magan from the Commission of the Peace pending legal proceedings for the recovery of the amount fraudulently obtained?

MR. A. J. BALFOUR: As already stated this case is being investigated by the Irish Land Commission. Pending the result of that investigation any action would be improper.

MR. HAYDEN: Is it intended to suspend Mr. Magan from the Commission of the Peace until these arrears are paid?

MR. MADDEN: No action can be taken pending the investigation by the Land Commission.

JUDGES CHARGES IN IRELAND.

MR. T. W. RUSSELL (Tyrone, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the charge addressed to the Grand Jury of County Antrim by Lord Justice Fitzgibbons, on Monday last, and especially to the following paragraph—

"The Commission, which had been opened there, included six counties: Meath, Louth, Monaghan, Armagh, Down, and Antrim. Those six counties were inhabited by 1,130,000 people, or something more than one-fifth of the whole population of Ireland, and that one-fifth of the population appeared, from the statistics, to enjoy the advantage of occupying property of a tenement valuation exceeding £3,500,000, or, in round numbers, more than one-fourth of the whole tenement valuation of Ireland. From one end to the other of that circuit the history of crime, he was happy to say, had been the same throughout. They had literally not met with one single instance, not merely of a trial, but a report of a crime caused by combination, by conspiracy, or by intimidation, and there had not been one single charge of riot;"

and if he will take steps to have the valuable testimony to the condition of different parts of Ireland contained in the charges periodically delivered by the Judges laid before Parliament and preserved for future reference?

MR. A. J. BALFOUR: My attention has been called to the address delivered by the learned Judge mentioned. However valuable the presentation of the addresses of the Judges might be, I fear it would be hardly practicable to carry out such a course, inasmuch as it is not the practice to have an official reporter in Court.

MR. SEXTON: Will the Chief Secretary to the Lord Lieutenant procure a copy of the charge of the Lord Chief Baron Palles to the Grand Jury at the Wicklow Assizes, and cause it to be laid on the Table?

MR. A. J. BALFOUR: If an authentic copy can be obtained I will have no objection, so far as I am concerned, to its being printed. I am informed that the Lord Chief Baron always has a shorthand writer to take down his charges, but I do not know that that is the practice of other Judges. It is a question whether it would be worth while to have an official reporter present on every occasion of this sort. I do not think that it could be left to the Government to select what charges should be laid on the Table. If they laid one I think they must lay all.

MR. MACNEILL: What does the right hon. Gentleman mean by an authentic charge?

MR. A. J. BALFOUR: I should say an authentic charge was one taken down by a shorthand writer, and certified by the Judge to be correct.

MR. SEXTON: Do I understand that the right hon. Gentleman will apply to the Lord Chief Baron for a copy of this charge?

MR. A. J. BALFOUR: Yes, Sir.

MR. DILLON: Has the right hon. Gentleman any further information to give to the House as to the extraordinary charge of Mr. Justice Harrison at Galway?

MR. A. J. BALFOUR: I have said that I do not think it right for me to ask questions of the learned Judge as to the course he thought it his duty to pursue on the Bench; but I have received a communication from Mr. Justice Harrison which I did not bring down with me, but which I will read to the hon. Gentleman to-morrow.

DELAGOA BAY RAILWAY.

MR. PAULTON (Durham, Bishop Auckland): I beg to ask the Under Secretary for Foreign Affairs what, if any, arrangement has been arrived at between Her Majesty's Government and that of Portugal concerning the settle- of the Delagoa Bay Railway, especially with reference to the amount of compensation to be paid to the English and American claimants?

*SIR J. FERGUSSON: The Portuguese Government have agreed that the Swiss Government should be asked to appoint three jurists to arbitrate as to the amount of compensation to be paid for the rescission of the contract and the taking possession of the railway, and instructions have been sent to Her Majesty's Minister at Berne to make the application as soon as his Portuguese and American colleagues receive similar instructions. I may mention that, with a view to meeting any pressing claims that may be made upon the English company, the Portuguese Government have undertaken at once to place the sum of £28,000 in the hands of Her Majesty's Government.

BUSINESS OF THE HOUSE.

*Mr. BRADLAUGH: May I ask the First Lord of the Treasury to what date he intends to postpone the Indian Councils Bill, and whether it will really be taken on the date to which it is postponed?

*Mr. W. H. SMITH: We propose to take it on Thursday next, and if we find that we are unable to take it then another day will be named.

Mr. W. E. GLADSTONE (Edinburgh, Mid Lothian): I wish, Sir, to ask the right hon. Gentleman whether he can give any information to the House as to the course of business to-morrow and Monday? I hope, also, that by this time he has been able to fix on some day on which he can undertake to propose the Foreign Office Vote.

*Mr. W. H. SMITH: The right hon. Gentleman was not in the House when I answered a question as to the course of business a short time ago. I stated that the Government propose to deal with the Anglo-German Agreement Bill, with the Local Taxation Bill, and with the Police Bill before they again take up Supply. I hope it will be possible practically to complete the Anglo-German Agreement Bill to-night, and to take up the Local Taxation Bill to-morrow and the Police Bill on Monday. After that we propose to again take up Supply, beginning with the Scotch Education Vote, and proceeding with the other Scotch Votes. I hope it will be in my power shortly to name a day for the Foreign Office Vote.

Mr. W. E. GLADSTONE: The questions connected with the Foreign Office Vote are most important questions of principle — the principle upon which relations are to be regulated elsewhere in matters of great delicacy; and I cannot think that all the Bills the Government have before the House and all the other Votes in Supply ought at this period of the year to be put before that important Vote.

*Mr. W. H. SMITH: I will endeavour to give consideration to the suggestion of the right hon. Gentleman, but we feel it most important to take the Bills I have named as soon as possible.

Sir G. TREVELYAN: Is the Scotch Police Bill included in the right hon. Gentleman's statement?

*Mr. W. H. SMITH: I am afraid not. The Scotch Bill has not been reported on yet by the Committee upstairs.

Mr. LABOUCHERE (Northampton): I should like to obtain from the First Lord of the Treasury a more definite answer than has yet been given as to the Estimates being taken next Session as soon as possible and on regular days, for though a pledge was given last year that they would be taken early, most of the Estimates have not yet been voted.

*Mr. W. H. SMITH: I have already given an answer on this subject. It is the desire of Her Majesty's Government to give the House every opportunity, at the earliest possible period, of discussing the Estimates, if the House on its part will be content to display some resasonable limitation of the discussion. I cannot go further than that.

Mr. LABOUCHERE: Then I beg to give notice that next Session I will do my best to assist the Government in bringing forward the Estimates early by throwing every impediment in the way of all other business which is placed before us.

BEHRING SEA FISHERIES.

Mr. BRYCE (Aberdeen, S.): When will the Papers relating to the Behring Sea Fisheries be in the hands of hon. Members? Seeing that a telegraphic summary of the Papers presented at Washington has appeared in the morning papers, it is clear that hon. Members may reasonably expect to have their own copies by this time.

*Sir J. FERGUSSON: If I had had notice of that question I should have endeavoured to be prepared to answer it. I stated, in answer to a question the other day, that the Papers were in course of preparation, but that they were very voluminous and might take some time. I shall be happy to tell the hon. Gentleman to-morrow when the Papers may be expected. May I add that I hope it will not be thought necessary to raise a Debate on a question which is still in course of negotiation?

SHIPS (TYNE AND CARDIFF) (SYNOPSIS OF RETURN).

Return ordered,

"Of Synopsis of Return (presented 30th day of April) of all English Ships loaded with dead weight cargo at the Ports of the Tyne and at Cardiff during the three months ending the 31st day of December, 1889, giving the names of the ships, the net register tonnage in each case, and also the weight of coal actually loaded.

"And, of all Foreign Ships loaded at these Ports, in the following form :—

BRITISH.

	Sail.			Steam.		
	Wood.	Iron.	Steel.	Wood.	Iron.	Steel.
Proportion per 100 tons net register ..						

FOREIGN.

	Sail.			Steam.		
	Wood.	Iron.	Steel.	Wood.	Iron.	Steel.
Proportion per 100 tons net register ..						

N.B.—Composite vessels are included under the heading "Wood." Vessels carrying coke, or only partially loaded, are excluded from this Return.

—(*Colonel Hill.*)

IRISH SOCIETY AND LONDON COMPANIES (IRISH ESTATES.)

Report with Minutes of Evidence and an Appendix, brought up and read [Inquiry not completed.]

Report to lie upon the Table, and to be printed. [No. 322.]

CLOSURE OF DEBATE (STANDING ORDER 25.)

Return ordered—

"Respecting application of Standing Order 25 (Closure of Debate) during Session 1890 (in the same form and in continuation of Parliamentary Paper, No. 0,150, of Session 1889."—(*Mr. John Ellis.*)

LOCAL TAXATION (EXCHEQUER CONTRIBUTIONS, &c.)

Return ordered—

"Showing (1) the amounts paid out of the Local Taxation Account to or on behalf of the Council of each Administrative County and County Borough in respect of the local taxation licences and probate duty grant for the financial year ended the 31st day of March, 1890; (2) the amounts paid out of or transferred from the Exchequer Contribution Account of each Council in respect of such licences and grant, distinguishing the several payments and transfers made in pursuance of sections 24, 26, and 43 of 'The Local Government Act, 1888;' (3) the amounts, if any, remaining in each Exchequer Contribution Account after such payments and transfers have been made, and their application so far as they have yet been applied; (4) the amount paid by the London County Council in respect of the indoor pauper grant under section 43 (1) (b) of 'The Local Government Act, 1888,' for the said year; (5) the amounts paid by each Council in respect of the maintenance, improvement, and repair, during the said year, of main roads, distinguishing the amounts expended on such roads by the Council themselves from the amounts paid by them to Urban Sanitary and other Highway Authorities; and (6) the amounts contributed by each Council during the said year under section 11 (10) of 'The Local Government Act, 1888.'"—(*Mr. Hobhouse.*)

MESSAGE FROM THE LORDS.

That they have agreed to,—Consolidated Fund (No. 2) Bill; Amendment to—Colonial Courts of Admiralty Bill [Lords], without any Amendment.

ORDERS OF THE DAY.

CENSUS (ENGLAND AND WALES) BILL.—(No. 385.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Postponed Clauses 2 and 18 agreed to.

Bill, as amended, considered.

*(4.25.) MR. RITCHIE: I hope the House will allow the Bill to be now read a third time, in view of the fact that only one Amendment has been made in it, namely, that which provides that a Return shall be made in Wales of the persons who can speak Welsh and English or English only.

Question, "That the Bill be now read the third time," put, and agreed to.

Bill read the third time, and passed.

CENSUS (SCOTLAND) BILL.—(No. 387.)

COMMITTEE.

(4.27.) Bill considered in Committee.

(In the Committee.)

Postponed Clauses 2 and 18 agreed to.

Bill reported without Amendment; read the third time, and passed.

ANGLO-GERMAN AGREEMENT BILL—(No. 393.)

SECOND READING.

(4.28.) Order for Second Reading read.

MR. A. O'CONNOR (Donegal, E.): I wish to point out that this Bill contains only a preamble, one clause, and a Schedule, and the Schedule contains statements of fact which cannot be altered by Amendments. Under these circumstances, I desire to know whether, upon the Motion for the Second Reading, it will be in order to move a Resolution as an Amendment, or whether, after the Bill has been read a second time, it will be competent for hon. Members in Committee to object to any of the details of the measure. The operative words in the Bill are these, "The assent of Parliament is hereby given to the provisions of the Agreement set out in the Schedule of this Act."

*MR. SPEAKER: It is competent for any hon. Member to move a Resolution superseding the Motion for the Second Reading, but it is not competent to add words to the Motion that the Bill be now read a second time.

MR. A. O'CONNOR: Suppose it was desired to qualify the Agreement so as to preserve the liability from military service of the children of all present inhabitants of Heligoland. Would it not be necessary to make provision for that at the present stage of the Bill, seeing that an Amendment in Committee would necessarily be an abrogation of the principle of the Bill as affirmed by the Second Reading?

*MR. SPEAKER: That would be, I think, a question for the Committee to decide. It appears to me a modification could be made in the provision.

MR. A. O'CONNOR: But it might be ruled by the Chairman that the Schedule could not be altered, as being a statement of facts.

*MR. SPEAKER: That is not a question of order for me to decide. It appears to me that the hon. Gentleman may embody in a Resolution such of the points stated in the Schedule as he may desire to refer to.

MR. A. O'CONNOR: My point is that this is the only stage at which it can be done.

MR. CONYBEARE (Cornwall, Camborne): Is it competent for Members, on the Bill for the cession of Heligoland, to discuss the Agreement so far as it relates to Africa?

*MR. SPEAKER: The other part of the Agreement is an equivalent for the cession of Heligoland, and, therefore, the Agreement with regard to the African question can be entered into.

*(4.33.) THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): In moving the Second Reading of the Bill I shall be able, in accordance with the usage of the House, to make good the case upon which it is proposed to sanction the arrangement made by Her Majesty's Government with the Government of the German Emperor to cede or transfer Heligoland to the German Empire. Small as is this territory, and small as is its population, the House and the country will not forget that its acquisition by Great Britain is connected with a glorious page in the history of this country; that for a great part of a

century it has remained a part of our Empire; that our relations with it have not been troubled by any friction; that under the British flag its population have happily dwelt; and that its separation from us is not desired on either side, and can only be regarded with regret by both. The island was acquired by conquest in the course of the long war waged with the first Napoleon, and it was found to be useful during the closing of the German ports, which were then in French hands. Its fortification by us during the war was unnecessary, because we had the undisputed command of the sea, and after the war it was clearly unsuitable and unnecessary that it should be fortified against a nation with whom lately we had been allied. The island was inexpensive to us, although not profitable financially, and it did not contribute anything to the strength of the Empire. Its tenure by this country has never been challenged neither by Denmark nor when Schleswig became part of the German Empire by the Germans, although it was well known that to the national sentiment of Germany it was not unattractive. No British statesman has ever contemplated its cession, and when some speculative person suggested such a thing, without equivalent, it was always resisted by the Government of the day. It is said that, though, as I hope to show, we have got an ample equivalent for ceding the island, we have no right to transfer the population without consulting their wishes, and without securing their consent. It has been always the policy of this country that those who have come under the British sway, by conquest or otherwise, should be treated with the utmost liberality. This has been our policy with the French in Canada, with the Maltese, and with the people of India, as well as with the Heligolanders, and the result has been to render their lot happier than before, and to attach them to the British Crown. But still the retention of a possession must rest on high Imperial grounds. To us this island is of no material or strategic importance in these days; it has, however, it will be generally admitted, attractions for the German people from a sentimental point of view, which is a motive strong among nations, and which has commonly actuated them in the most important transactions of life. Besides, the island may probably be of more strategical value to the Germans than to us. In return for the island the German Government have thought it worth while to make large concessions in a Continent in which they have latterly obtained an extended footing. They have come to an agreement with us which Her Majesty's Government confidently submit to the House as likely to be pregnant with important results to British enterprise and trade, and I hope with advantage to the people with whom we shall have to deal. Before proceeding to make that good, I should like to notice some criticisms and objections which have been made. It has been said that the ceding away of Heligoland has not given satisfaction to the inhabitants. We have, however, heard less and less of the objections of the people of late. At first visitors ran over there and came back reporting that there was a strong feeling on the part of the inhabitants against the cession. Curiously enough a gentleman did me the honour of calling on me at the Foreign Office to-day, and he said he had been in the habit of visiting the island, and that he was able to speak with confidence as to the feelings of the people, as he was able to converse with the people in their own dialect. He told me that he had conversed with more than 100 natives, and that he had found only one man who entertained an objection to the cession. They told him that they had been altogether deceived as to the conditions of the cession, and that they had been informed that they would lose all the privileges they had enjoyed; but when it was shown that all their immunities would be secured to all now living, and that they would have the option of electing to be British subjects, they were entirely satisfied and grateful for the care taken of their interests. In accordance with the provisions of German law, the children of such persons as wish to remain British subjects will be exempt from military Service. I have no doubt that when the island has been for some time incorporated with the German Empire the people of Heligoland will be animated with the same sentiments which inspire the people of Germany with regard to

the Fatherland. Her Majesty's Government have also secured for British fishermen, who have been in the habit of resorting to the island, the full enjoyment of all the privileges they have hitherto possessed, except that of fishing in the territorial waters. Now, I turn to the *quid pro quo*, and the result of the Agreement made for the extension of Her Majesty's sphere of influence in Africa. In the first place, the House will recall the position in which we stood not long ago. Thanks to the explorations of intrepid British subjects, wonderful discoveries have been made in Africa during the past century. There was a time when we might have made almost any part of that continent our own had we been prepared to undertake the outlay and responsibility. Even in the last decade, when that portion of Eastern Africa was thoroughly investigated, it would have been in the power of the Government of this country so to have taken possession of a sphere of influence in that region that no other Power would have thought of obtaining a lodging there. That was not done. I do not think it worth while to impute want of duty on the part of those who held office at that time. I apprehend that the policy and conduct of the Government of the time was in accord with public opinion, and that the Government were not prepared to undertake great and unknown responsibilities by taking possession of a large part of the continent. Consequently, the efforts of discovery did not immediately result in an acquisition by this country of a sphere of influence over a large portion of the continent which is now engaging our attention. Other nations were not so indifferent. One after another the great nations of Europe became alive in time to the great opportunities for the expansion of commerce in Africa. The Germans, especially, were active in Central Africa, and in 1885 they had established themselves, so as to constitute a valid claim to their interests being considered, in the great tract between the lakes and the sea. Still it is not surprising that responsible Governments were unwilling to accept unknown responsibilities. But when the results of the discoveries of great travellers became better known, then a desire was manifested to gain possession of the continent. In 1886 there was an arrangement made by which the German and British spheres of influence in Eastern Africa were so far delimited that the districts inland were divided between the two Powers. But the Germans had established themselves to the northward as well as to the southward of us, and there was great risk of our endeavours being frustrated, and the chartered companies being overlapped and outflanked by the operations of energetic explorers. It therefore became exceedingly necessary that some better arrangement should be made. It was hardly possible that the Germans would have been able to give up a protectorate, on which some of their subjects had expended considerable sums of money, without some equivalent. They had been as active as ourselves in prosecuting journeys into the interior, and they had established themselves on Lake Nyassa. Only a few weeks ago it was commonly stated in this country that we were to lose the fruits of so much energy and outlay on the part of our enterprising fellow-subjects; that we should lose the Stevenson Road and the country covered by Mr. Stanley's treaties, and that, in fact, we should become a very inferior Power in the continent in which we had been the pioneers of discovery. The difference between our position so viewed and now is singular. There is hardly anything which our people claimed at that time, which is not now secured. The map will show that we have covered within that sphere all parts of the African continent in which our traders and missionaries have established themselves. I believe that there are two exceptions, where there are mission stations within the German sphere occupied by our fellow-subjects, and for these the Government have secured the fullest liberty and safety for all time to come. The Agreement has been the result of the most friendly negotiations with the German Government. Her Majesty's Government could not have accomplished what they have done had they not been met in a generous and friendly spirit by the German Government. That was the spirit which actuated them as well, I hope, as ourselves. But it is not alone with Germany that arrangements have been made. It would have been no small achievement if we had but

obviated all chance of collision and jealousy between the German people and ourselves. But other great nations had shown eagerness to secure a footing on this continent, and there were, consequently, risks of friction with them. Last year the Government made an important arrangement with France in respect of territories held by them on the West Coast of Africa which border on our colonies, and so settled questions which, for a long time, had caused considerable trouble to the two countries. Her Majesty's Government are, at the present moment, negotiating with France for a larger delimitation, which, I hope, will be brought to a happy conclusion. I am glad to say we are also negotiating with Portugal, with every prospect of such a settlement being arrived at as will obviate future risks of jealousy and conflict. So that on the greater part of the continent of Africa, we shall have avoided the risk of friction with the other Powers of Europe. In thus arranging these matters in times of peace we avoid fruitful causes of jealousy and danger, and render continuous peace possible. It has been suggested that in concluding these agreements, which, I contend, could not have been concluded on terms more satisfactory to this country, there must have been some secret understanding that in some way we are bound more than before in alliance with these Powers. I will say again that in the Agreement either with Germany or any other Power to cement further the friendship which exists, and ought to exist between us, and to apportion our respective rights, there has been no advance upon or departure from the policy which has been over and over again announced to Parliament. I am glad to see that the Agreement has been received by responsible politicians in this country in a spirit which, I think, is eminently patriotic. There has been for some years a disposition to abstain from making foreign matters Party questions, and it adds immensely to the moral force which the Government of the country ought to exercise in the councils of the world when, in the main, Parties are allied in protecting British interests, and not taking them into the field of Party strife. Some hon. Members, however, have spoken as if by this Agreement we were dealing with the liberties of other people in a manner we had no right to. It has been said that Her Majesty's Government have no right to deal with these populations as if their property had become our possessions; but I affirm that in the proceedings which Her Majesty's Government have taken they have in no way infringed the property of the tribes of Africa. In every case the footing of the chartered companies in Africa has been gained by treaty agreement with the inhabitants. I believe the East Africa Company have shed the blood of no man; but, on the other hand, they have set free thousands of slaves. That company have already won over the tribes in a vast region to more peaceful habits, and have shown them that their interests lay in peaceful commerce rather than in internecine war. We have shown them that they may better enrich themselves by trading with European Powers, than by the devastating pursuit of the Slave Trade, and wherever we have gone, law, order, and justice have prevailed. And I may here refer to the efforts made in this present year by Her Majesty's Government, in concert with the representatives of all civilised nations, for the effectual abolition of the Slave Trade. The fruits of the Conference which has been held with regard to the Slave Trade have, of course, yet to be seen, but I do not think that the temporary check that has occurred from the abstinence of one Power will be permanent, and that measures will be agreed upon and that united efforts will be made on a greater scale than before which will result in abolishing that trade, which it has long been recognised as the duty of all Christian men to destroy. With regard to Zanzibar some have spoken as if the protectorate was the only thing given in return for the cession of Heligoland; but we have doubled our coast line by the Agreement, and enormously increased our area of influence in the interior. That protectorate does not interfere with the Agreement of 1862. Muscat and Zanzibar had been separated, as the result of an arbitration between the two sons of the Imaum of Muscat, and we bound ourselves to respect the independence of the two States. It has been

said that, in assuming the protectorate of Zanzibar, we have only come back in a partial degree to the position in which we stood five years before. This is not so. In the first place, we have never before assumed the protectorate of Zanzibar. It is true that ever since that great man, Sir John Kirk, had exercised influence at Zanzibar, the influence of this country has been predominant, and has been eminently successful in leading the ruler of that State to increase the civilization of his subjects and check the Slave Trade and assist British commerce. But we had in no sense then assumed the protectorate of Zanzibar, and now we do not propose to assume it in such complete fashion, or so as to hinder the commerce of any other Power, but in such a way that we shall secure the Sultan the dominions which remain to him, and make his position more comfortable. With regard to the small islands to the north, and the coast line from Wanga to the River Juba, the tenure of the Sultan will be more secure; and though he cedes the Sovereignty of the German coast, he had previously given a lease of 50 years of the administration. Here I should like to point out that, in securing this sphere of influence, we deliberately prefer not to disturb the authority of the Sultan. For the last 30 years and more, the happy policy has been pursued by England of not disturbing the sovereignty of native rulers, but by guaranteeing their possessions, and exercising a friendly influence in their States, of making their position more secure, and their people happier, while, at the same time, the rulers exercise their independence. This is the position which we have taken up with regard to the Sultan of Zanzibar, and I think that the House will agree that it is better to deal in this way with native races than to undertake all the responsibility and danger of their government. I will now notice some of the objections which have been made to this Agreement. It has been said that the Stevenson Road connecting two lakes has been made by British capital, and is the scene of British missionary efforts and the site of trading stations, and that if the road alone were secured to us there would be great inconvenience. All these things have been met in the negotiations,

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and sufficient space to the east will be secured to prevent all inconvenience, while access from one lake to another will also be secured, and absolute freedom of trade and transit is guaranteed. Referring to the south-west, of course there is a great region with regard to which there has been considerable controversy — namely, Namaqualand and Damaraland, which some years ago had fallen into the hands of Germany, owing to indisposition on the part of the Imperial and Cape Governments to assume the responsibility. I am by no means imputing blame to those who did not assume this extended responsibility, but at all events Germany acquired the protectorate over those regions. I venture to say that the contention that the Cape Government has a vested right to all the country south of the Zambesi is one which cannot be maintained, and I do not think that it is possible for this country to maintain it and be on good terms with other nations. It would not be possible for us to claim a sphere of influence in those two great provinces, but we have secured in a vast region in the interior a most valuable sphere of influence in which British trade will find ample room for employment and the great South African colonies for expansion. These are the leading features of the Agreement, with respect to which the House is asked to sanction the cession of Heligoland. I am happy to note that these questions have been well considered by the country. I believe that we may claim for this Agreement the merit of providing for the interests of our people in this sphere, but I would congratulate the country still more on having removed far away any chance of jealousy with a great and friendly nation, an object which was not confined to Germany, but which we hoped to extend to all our neighbours, so that colonisation might not lead to any fresh danger to this country, but rather increase our friendship with those nations with whom it was most desirable that we should live in harmony. I now beg to move the Second Reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir J. Fergusson.*)

(5.12.) MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): The right hon. Gentleman has divided his speech into two portions, the more considerable of which is not directly before the House. He has spoken of the conditions of the arrangement as to Heligoland, and he has spoken of the Anglo-German Agreement in Africa. It will be my duty—and I think my principal duty—to point out that there is a third division of this subject, a third point appertaining to it, of which he has taken no notice whatever, and which, in my opinion, is of even more vital importance than any of the matters upon which he has touched. I reserve my remarks upon the development of that idea until I have dealt with the matters touched upon in the speech of the right hon. Gentleman. He said, towards the close of his speech, that the House was asked to accede to the cession of Heligoland. That is perfectly true in point of form. It might be said, if we looked at it from the outside only that this is only an affair of parochial legislation, because the population of Heligoland, I think, is not equal to the average population of any of the 10,000 parishes of England. But, Sir, I wish to point out that, although the Vote of the House is only to be taken upon the Agreement as to Heligoland in point of form, yet in point of substance the Vote of the House is upon the entire treaty. Now, upon that there can be no question whatever that the whole treaty-making power of the Crown is thrown into the hands of the House, in respect not only to Heligoland, but to all the conditions relating to the South African portion of the Agreement, although upon the form of proceeding there is no indication whatever to that effect. I am bound to say I have no complaint to make of the tone and spirit of the speech of the right hon. Gentleman. On the contrary, I think that tone and spirit most satisfactory, and some part of the positive information he was able to give us was satisfactory also. In the first place, I think it my duty to give unqualified credit to Lord Salisbury for the spirit in which he has set about this Agreement. I think it has been a good spirit, having regard to the best interests of England, and, likewise, the spirit of one who does not wish at all to view those interests in a narrow or selfish manner, but who wishes, in discharge of this great colonising, protecting, or superintending function, that the benefits attending the extension of power and influence shall be, of course felt in the first instance in this country, but shall be extended, not grudgingly, to all the countries concerned. I apprehend that the rights of natives, whatever they may be, in their relations with European powers, are not now before the House, and can in no respect be diminished or disparaged by any Agreement with Germany, France, or any other European nation. They remain intact exactly as they were before the Agreement. The whole force of the compact the Government have been engaged in making bears absolutely and exclusively upon the mode in which we shall regulate our relative concerns among ourselves in Africa. One matter I must mention with some regret. I think it is clear, even to the Government themselves, that an error has been committed in concluding this arrangement with Germany before arriving at a final understanding with France with regard to the protectorate of Zanzibar. I am very reluctant to dwell upon this point, because negotiations with France are now in progress, and it would be difficult to comment upon it without, I fear, importing some embarrassment into the proceedings of Her Majesty's Government. But I must own there has been an error in that respect; an error which it is not difficult to account for, when I recollect that in the person and in the hands of Lord Salisbury—than whom there seldom has been a person more competent to meet the difficulty, if it can be met at all—are united functions which it has never been found possible in this country to unite before; and which, I must say from conviction and experience, I entertain the most confident expectation will never be united again. To discharge the functions of Prime Minister and Foreign Secretary of England exceeds the power of the human brain, unless you can raise from the dead a man of the stupendous powers of Napoleon, or of another man, a countryman of ours, whose brain was not less than his—I mean Oliver Cromwell. I fear the over-pressure of subjects of anxiety has led to some difficulty in this particular case, which, however, I do not mean

to dwell upon. I am bound to say that, as far as I can judge, I do believe the general effect of the Agreement in Africa will be beneficial to the parties concerned, and that the proceedings have been conducted with a due and impartial regard to the different interests involved. With regard to Heligoland there are, I think, three points which it is our duty to take into view. The first of these questions is, whether there is any sufficient ground of British interests to lead us to take objection to the plan of Her Majesty's Government. The conclusion at which I have arrived is that there is no sufficient ground, and I am not going to give judgment on the scheme upon any such plea. I am not sure the question of the strategical importance of Heligoland is entirely disposed of. I can conceive contingencies of war in which it might not be without some material weight as to strategical operations; but, at the same time, viewing the state of the case, viewing the nature of our relations with Heligoland, and viewing the fact that those relations rest on conquest, and date from comparatively modern times, I feel that the welfare of the people of that island and the relations to their neighbours ought to be the dominant considerations in determining its destiny. I am not prepared upon the mere ground of British interests to take objection to the proceedings of Her Majesty's Government. Sir, there is one ground which appears to me to involve, and still appears to involve, very serious considerations; but then the right hon. Gentleman has given us, at any rate, some hope of a state of facts in this respect better than has been represented in various quarters. It has been the language of some that in cases where the inhabitants are numerically so insignificant we are not bound to have any regard to their consent or inclination in determining their political condition. I am not able to accede to that proposition. I do not think that the mere number of inhabitants will absolve us from our obligations to the persons who have the deepest interest in that country. There has been much said by British travellers to the effect that there is a disinclination among the Heligolanders to become the subjects of this cession. Well, Sir, the right hon. Gentleman has given us a consolatory assurance in his speech to-day. I am afraid the witnesses are not unanimous. I have myself to-day received a letter in the contrary sense from a gentleman who is considered to have good information, and who says that the more he goes into the question the more he is convinced that the Heligolanders do not wish to become a portion of the German Empire. I do not feel that we are able to accept British assurances to that effect. It would be only from the Heligolanders themselves that I, for one, could take assurances of their disinclination to become part of Germany. But if there be any prudential or other considerations which prevent them giving that assurance, I am bound to accept the declaration of the Government, whose duty undoubtedly has been to examine the matter, that they have assured themselves there is no such disinclination on the part of the Heligolanders; and in the absence of such disinclination, I cannot set up a handful of British opinions, which the Germans might fairly consider prejudiced opinions, against the conclusions which the responsible Government have arrived at. The absence of dissent from that kind of assurances of the Government, together with the duty of the Government to make the matter the subject of serious investigation, are all, I think, that I have a right to know. Then comes the question not of the principle of the cession, but of the particular terms which Her Majesty's Government have arranged on behalf of the Heligolanders. I quite see that they have made apparently careful provision for the perpetual preservation of the rights of British fishermen. As far as I can judge, that is an adequate provision, and I own I should have been extremely sorry if the case had been found to be that we had been more careful of the rights of fishermen, who find it for their interest to frequent the waters of Heligoland, than of the Heligolanders themselves. Though certainly an interesting people, with a good deal of substantial existence, the nationality of the Heligolanders is more microscopic than any other subject to which the idea of nationality has yet been applied. But they are a people with a good deal of character, with some peculiarities in their history, and distinct severance of language from those portions of the mainland with which they are most

closely associated. They have a great claim upon our interest. On the subject of fortification, it is very difficult for us to enter. There are those who think it will be the interest and policy of Germany to convert Heligoland into a fortress. There are others who think it would be a great mistake. The introduction of fortifications on a limited space of ground entails many severe consequences, and it is quite conceivable that to fortify Heligoland might entail a great displacement of private rights and arrangements so as materially to alter the whole condition of the inhabitants of the island in a manner very detrimental to their interests. I earnestly and respectfully trust that, whatever may be done by Germany in the exercise of the sovereign power which she is to acquire, there will be considerable, and I will even say tender, regard given to these considerations. It is one thing to interfere with private arrangements in a country where the whole feelings of the people are, traditionally and from antiquity, enlisted on the side of those who find it necessary to acquire their territory; it is another thing to go into a country as strangers—for the Germans, are, after all, politically, as much strangers to Heligoland as we were when we went there in 1807—and for those who are strangers to inflict great personal inconvenience upon the natives; and I trust, therefore, that every effort will be made to avoid such inconvenience. But there is another question upon which we have had a declaration to-night, which, if I understand it aright, removes many difficulties from my mind, and conveys to me considerable satisfaction. After all, what must have struck every Englishman in considering the case was this—what is to be the condition of these Heligolanders as to naval, and even more as to military, service, as to coercive military service in and on behalf of a country with which they have never been connected, and to the military strength of which they would hardly make even so much as an infinitesimal addition? Now, we see that there are two provisions in the Agreement which bear upon the question. The first is the provision where it is positively stipulated that all native Heligolanders now in existence, parents and children, shall be exempt from military service. If that stood alone, I own it would give me no sufficient satisfaction, because I should say, "We are aware that in certain countries where slavery has prevailed, laws have been passed to provide that everybody born after a certain date should be born free; but it is quite another thing to provide that everybody born after a certain date shall be born subject to a heavy burden and to a heavy restraint, which may be very odious." But there is a second provision which the right hon. Gentleman has explained to-night. That is the provision with regard to what is called opting to be British subjects. Now, if I understand the right hon. Gentleman rightly, every man in Heligoland, being a Heligolander, may opt to become a British subject, and, if he opts to become a British subject, he may remain in Heligoland as such; his children will be born there; they will be British subjects also, and, being British subjects, they will not be subject to compulsory naval or military service in Germany.

*SIR J. FERGUSSON: May I give the exact information we have—

"Minors, being children of fathers who have opted for British nationality, will also possess that nationality."

MR. W. E. GLADSTONE: As I understand, they will be permanently British subjects, as much and as fully British subjects as their fathers were, and, that being so, the same law will apply to their children in their turn.

*SIR J. FERGUSSON: I am not sure about that.

MR. W. E. GLADSTONE: Then they are not British subjects.

*SIR J. FERGUSSON: The right hon. Gentleman must be aware that even the children of fully-born British subjects residing in foreign countries lose their nationality. [*Cries of* "No!"] I beg pardon. The children born in France of British parents lose their immunities, and are liable to conscription.

MR. W. E. GLADSTONE: What laws a Foreign Power may be competent to make within its own jurisdiction I am not concerned to discuss. I am speaking of actual law and actual arrangements. I am not sure that I can ask the Government to provide that there shall never be at any future time any detriment imported into the laws affecting these subjects; but, as I understand the

matter, the present Heligolanders opting to be British subjects will see their children growing up to be British subjects in the plenitude of everything which belongs to British citizenship as fully as they themselves enjoy it; and they, having those rights, will, under the present German laws, have the same power of transmitting them to their children. *[Sir J. FERGUSSON: Yes.] If that is the case it is to me a very satisfactory declaration.

*SIR J. FERGUSSON: I will read the whole Paper—

"With regard to last paragraph, acting Secretary of State for Foreign Affairs informs me that German Government consider the supposition contained therein in accordance with the sense of the agreement of July, and that minors being children of fathers who have opted for British nationality will also possess that nationality.

Thus the children of persons who have opted for British nationality will also possess that nationality whether born before or after.

MR. W. E. GLADSTONE: I understand that declaration to have no reference whatever to the limited term of time mentioned in the Agreement.

*SIR J. FERGUSSON: None whatever.

MR. W. E. GLADSTONE: It clearly applies to children not in existence. I can only say that what I have heard from the right hon. Gentleman is a great relief to my mind, with regard to the most serious part of this matter—that is, the making the best provision possible for the future comfort and well-being of the natives of Heligoland, and those descended from them. Of course, if they choose not to opt to be British subjects it is their affair. I have to thank the right hon. Gentleman for the assurance which we find in his speech with reference to this very important point. But I have read somewhere the declaration of a statesman who said, in answering a speech, that what he had to answer was not what the speech contained, but what it did not contain, and that is my complaint against the right hon. Gentleman. Over the speech of the right hon. Gentleman I have been able to go, I hope, in an amicable and dispassionate spirit; but the right hon. Gentleman, following the example of the Government in the House of Lords, has taken no notice whatever of the fact that by the demand made to-day upon the House of Commons to give its vote or assent to a cession of territory, he is placing the House in a position absolutely without precedent and introducing a novelty into the practice of this country, which, whether it be right or wrong—and upon that I give no opinion—involves a matter of vast importance and of enormous difficulty. Is there any doubt at all that this proposal is an absolute and entire novelty? In the whole course of its existence the House of Commons has never been asked to vote a cession of territory until to-night. My right hon. Friend (Sir W. Harcourt) reminds me that the practice has been upon various occasions to invite the subsequent approval of Parliament to arrangements made by the Executive Government in the form of Addresses to the Crown. Of that we are perfectly aware; but that is not voting the subject-matter of the Treaties that have been made. It is giving an opinion upon them; it is not giving them validity and constituted force. There may be an idea in the minds of hon. Gentlemen that the United Kingdom has always been a Power whose course has been onwards and not backwards—a Power which has endeavoured continually to make additions to its territory and not diminutions of it. That is quite true generally, but it is at the same time true that there have been occasions—I will not go back beyond the Restoration, because I do not know in what manner the British provinces of France were ceded to the French Crown—it is at the same time true that cases of actual cession of British territory since the Restoration of Charles II. have not only occurred, but that they are to be counted by scores. In India alone, before the Mutiny in 1857, there were no less than 23 cases of cession of British territory to another Power. So the present cession is not a case without precedent, and in those cases that have occurred Parliament has not been asked to give judgment beforehand. Everyone, therefore, must feel that this is a step of vast importance. The question of the Treaty-making power is undoubtedly one of the most difficult questions of practical politics in the world. The proof of that is to be found in the history of the Constitution of the United States. The able and sagacious men who considered this

question there arrived at a solution of the difficulty by adopting a compromise. They gave the power of intervention to the Senate of the United States; they did not not give it to the popularly-elected body, and that body has nothing whatever to say with respect to a Treaty concluded with a Foreign Power, and it has no power of interfering with the conditions of that Treaty either directly or indirectly by censuring or punishing those who have made it. No one doubts, Sir, that this power of Treaty-making lies in this country with the Crown, subject to certain exceptions, which, I believe, are perfectly well understood. Wherever money is involved, wherever a pecuniary burden on the State is involved in any shape, I say, it is perfectly well understood, and I believe it is as well known to Foreign Powers as to ourselves, that the Government is absolutely powerless without the assent of Parliament, and that that assent, if given, is an absolutely independent assent, upon which the Crown has no claim whatever, presumptive or otherwise. I believe it to be also a principle—and I speak subject to correction—that where personal rights and liberties are involved they cannot be, at any rate, directly affected by the prerogative of the Crown, but the assent of Parliament, the popularly elected body to a representative chamber, is necessary to constitute a valid Treaty in regard to them. But, Sir, setting aside these cases which are well defined, both in principle and in practice, there remains a vast range over which this Treaty power extends. It is not a question of the cession of territory alone. There is the question of acquisition of territory. The acquisition of territory is as important as the cession of territory. The cession of territory is undoubtedly included in the Treaty-making power, and included in what is sometimes called the prerogative of the Crown—a phrase I do not wish to use, because I think it would rather tend to prejudice the case on this occasion; and I am sure it is most important that the Members of this House should look at this question from a practical point of view, and should understand what change, if any, is being made, and what the bearing of that change will be upon the practical power and position of this Government. Now, Sir, what is the true doctrine, according to the best authorities, and what has been the uniform practice with regard to the cession of territory? Heligoland, small as it is, is a territory, and the doctrine applies, in its integrity, to a single acre as much as it does to half a continent. I believe Blackstone may be accepted in this matter as a very sound expositor of Constitutional Law, and the effect of his language is that the Crown unquestionably has the power of ceding territory, but that Parliament has the right to control the exercise of that power by punishing those who misuse it. Instances are not difficult to give. Dunkirk was ceded by Charles II. when Clarendon was, perhaps, his principal adviser. The cession held good. Clarendon was impeached. Impeachment passes out of view or out of fashion, and we come down to the great period of the disruption of the British Empire by the loss of the American colonies. A Treaty is concluded by the King—a very just and wise Treaty—recognising the independence of America. The House of Lords, I believe, approves that Treaty, and the House of Commons disapproves that Treaty. Most of us on this side of the House, perhaps most of us in all quarters of the House, would be of opinion that the House of Commons was wrong, but that, of course, is not the question. The question is the power of the House of Commons, and observe that, while the House of Lords approved the Treaty, and that approval of the House of Lords remained wholly valueless and ineffective, the House of Commons censured the Treaty and, censuring the Treaty, punished the Ministers in the only mode known to modern practice—namely, by ejecting them from office. Blackstone lays down this doctrine, which, upon the whole, I believe to be a wise and sound doctrine, and in speaking of the control of Parliament, he did not speak of that which was shadowy and valueless. I admit that there are to be found, in various quarters, declarations of lawyers which raise doubts, at any rate, upon the extent of the power of the Crown to cede territory. Let me say, in the first place, that no one of these doubts touches the case of Heligoland. So far as I know, doubts were expressed by Sir Roundell Palmer, the present Lord Selborne, in the Debate in

1863, upon the cession of the Ionian Islands, which, though a cession of very great importance to the governing Power, was not a cession of territory, inasmuch as those islands formed no part of the territory of the Crown, and were legally judged to form the Septinsular Republic, as it was then called. Sir Roundell Palmer—I believe he was then Solicitor General—in speaking of the Ionian Islands, had to follow Lord Palmerston, a Constitutional Authority of great experience, who laid down broadly the doctrine that the power of cession was in the Crown. Sir Roundell Palmer, following him, said it was undoubtedly in the Crown, unless it was thought that a question might be raised if the territory purporting to be ceded had been made directly the subject of Parliamentary legislation, or in a case where representative institutions had developed upon the territory under lawful authority, and thereby the people had acquired rights in regard to it. Now, I look with all possible respect upon the declarations of so eminent a man, and I believe similar declarations might be picked up here and there, at any rate in vague indications, as having occurred to the minds of lawyers. I further believe they have been suggested by the contemplation of extreme cases. Such questions as this have been put, "Could the Queen cede the Isle of Wight? Or Lancashire? Or Yorkshire?"

SIR G. CAMPBELL (Kirkcaldy, &c.): Or Ireland?

MR. W. E. GLADSTONE: The hon. Baronet surely does not suggest that. In my opinion you cannot take a more unsafe guide to Constitutional legislation in this country than by raising extreme cases, because if you make them the foundation of your action you will find that, instead of having the best, you will have perhaps the worst and the most absurd Constitution in the world. What would be the result if the House of Commons, in the exercise of its undoubted right to refuse Supply, refused all supplies? What would happen if the Queen, in the exercise of her undoubted right to dissolve Parliament, were to dissolve all Parliaments, without permitting them to do any work? We must proceed in all these great matters upon the belief that a certain amount of common sense does, after all, enter into the transactions of mankind, or if, unhappily, the stock of it should on any occasion altogether fail and be exhausted, a remedy would be found when the exigencies should arise. But I deprecate discussing this question on the basis of extreme cases. No such extreme case has ever come into view in the exercise of the power of the Crown to cede territory, any more than it has in the exercise of the power of the House of Commons to refuse all supplies, or of the Crown or its advisers to baffle Parliamentary institutions or frustrate them by successive dissolutions. There is one thing which I think is still higher than the *dicta* of Legal Authorities in this important question, and it is our long, uniform, and unbroken course of practice. It is one thing to stand upon the opinion of an ingenious or even a learned man; it is another thing to cite the authority of an entire State, signified in practical conclusions, after debate and discussion in every possible form, all bearing in one direction and stamped with one and the same character. It is hardly possible, I believe, to conceive any kind of territory—colonies acquired by conquest, colonies acquired by settlement, with representative institutions or without representative institutions—it is not possible to point out any class of territory where you cannot show cases of cession by the Crown without the authority of Parliament. Do not let it be supposed that I am in favour of action outside Parliament. I will come to that point by-and-by, when I deal with the doctrine as to the way in which these matters are conducted. Is there any doubt, is there any question, that land subject to the authority of Parliament has been ceded by the Crown without reference to the action of Parliament? Twenty-three cessions, as I have said, have been stated in judicial proceedings to have been made in India before the Mutiny, and since 1784, at any rate, all Indian territory has been absolutely subject to the authority of Parliament. In the case of Newfoundland, the Islands of St. Pierre and Miquelon, which were necessary to France to enable her to exercise the rights of fishing secured to her by Treaty, were ceded to France. If there be any doubt on the point there are others more learned than myself who will be able to exhibit the doctrine in

its plenitude, in an overwhelming mass of evidence, so much so as really to bear out what I have said—that it is hardly an exaggeration to say that in scores of cases cession has taken place, and in all cases the practice has been uniform for the Ministers of the Crown to advise upon their responsibility, for the Crown to act, and for Parliament to accept the results. I am ready to admit that a great deal may be said in the way of presumptive argument against such a practice. It is very easy to state such an argument. It is easy to say that the negotiation of Treaties is much more in the nature of a legislative than of a merely executive function, and if you will not entrust legislation to the executive power, why do you trust to the Executive Treaty-making, which involves legislation of the most important character, the more important and more dangerous that to alter it or to revoke it does not depend upon ourselves, but requires the assent of another party? But, looking broadly at the case, I take it to be thus. I have searched for precedents—I have considered the whole time covered by my own life, and, as well as I could, some time before my own life, and I have not been able to find a case in which a Treaty has been made which has been disapproved by the majority of the House of Commons. I do not think there is a single instance of this. I can point to instances of Treaties having been disapproved of; there are, no doubt, instances in which I have disapproved of certain Treaties myself, which have been entered into, but on these occasions I was, unfortunately, in a minority, and not in the majority of the day. I am thinking directly of the Treaty entered into some 12 years ago with regard to Armenia and Cyprus, a Treaty which, I must own, differed from this, which has nothing to do with Party considerations. I was opposed to the Armenian Treaty. I thought it was a bad Treaty, but it was approved of by the majority of the House of Commons. If the House of Commons does not approve of a Treaty which has been entered into it can, of course, turn out the Government of the day, which would be very careful, on returning to Office, not to enter into such Treaties again. The effect of the present system, therefore, be it theoretically good or theoretically bad, places in the House of Commons the supreme control over the Treaty-making power of the Crown. Is that to be the case after the Treaty-making power comes to be handled by this Bill? It seems to me almost a necessity that out of this proceeding some complications of weight and importance must grow, deeply affecting the relations of the Crown and Parliament and the administration of political power. Speaking roughly, as the matter now stands, we have, virtually, the whole control. The other branch of the Legislature—the House of Lords—cannot turn out a Government. We, if we have votes enough, can. But will that be so after this? No. That which we now have exclusively you invite us to halve with the other branch of the Legislature. Now, I have said I do not wish to make this a Party dispute, and, therefore, I do not want hon. Gentlemen opposite to listen to this, which I offer rather as consideration to Members on this side, who have a natural tendency to say, the more you take from the Crown and give to Parliament the better. That is a presumption in the Liberal mind; it may be sound, it may be right; I do not discuss it. But I must point out that what is now proposed is to take a power which we now possess in a form, theoretically irregular, but practically effective—to take this power out of our hands and divide it with another Assembly. I hope I shall not be thought guilty of introducing Party prepossessions if I point out that while the political complexion of this Assembly varies after General Elections, the political complexion of the House of Lords never changes. I do not anticipate any Administration of the same colour as the present Administration will meet with any obstacle in the management of the Treaty-making power in making it subject to the action of the House of Lords. But, having regard to the fact that since the Reform Act 12 out of the 14 Parliaments have had a Liberal Government in office, I can conceive that some difficulty might, in the future, arise in bringing into complete unity the general political sentiment actuating the House of Lords, and that which a Liberal Government, and a Liberal House of Commons, might feel due to the wishes and interests of the people. That being so, I find myself in

great difficulty. I think it is quite obvious that, in a matter such as this, of such vital importance, if we are to depart from the uniform and thoroughly established practice, thoroughly rooted in the Constitution of the country, such a change ought to be made with care and caution, after investigation and upon the full responsibility of Ministers of the Crown, who have not, on this occasion, found it necessary even to mention that such a change was—not meditated, not contemplated, not in any of those limbos where certain legislative projects, such as Irish local legislation still abide—but alive, at work, and embodied in a Bill to which we are now asked to give a Second Reading. I believe that I am right in saying that no statesman of this country, no person whose name can be quoted as of established authority in this Assembly, has ever questioned the existing system. Fox thought of questioning it in 1782, but when he came to look closely into the subject he abandoned his intention. In 1843, which is in my own recollection, in the case of the Maine boundary, when territory had, undoubtedly, been given away, Lord Palmerston challenged the arrangement, but never questioned the competency of the Crown to do what it had done. If we are to change all this, we ought to think well how we change it, and how far the change is to go. Already, in connection with this proceeding, while we seem to be considering the cession of Heligoland, we are considering the whole Anglo-German Agreement, which becomes waste paper if you withhold your approval from the cession of Heligoland. I think I shall receive the universal assent of the House when I say that such a change, if it ought to be made—and I am far from precluding the discussion of it—ought not to be made until the matter has been examined and sifted to the bottom. Such a change ought not to be made *sub silentio*. It should be made, if at all, with our eyes open, and our minds awake, with full knowledge of what it is we are abolishing and why we abolish it, of what we are substituting, and why we venture on such a substitution. Under these circumstances, I find myself in a position of difficulty, which precludes me from taking part in the proceedings on the present Bill. I have not shrunk from the responsibility of going over the subject matter of the Agreement which has been made; and, if legitimately proposed, I would not wish to withhold my assent to what has been laid before us on the merits of the proposal. Unquestionably I cannot vote against the Bill. What has been promised to Germany Her Majesty was fully entitled and authorised to give, and it was what the German Government was perfectly entitled to believe that Parliament would at once affirm. The German Emperor lives in a learned land, where doctors and professors abound. There are those about the German Government who know the history of other countries better than the inhabitants themselves, and I have no doubt that they know very well that the Treaty-making power lies with the Crown, and that the reservation that has been made is a reservation merely complimentary and formal. I do not feel myself able, if I had the right, if I were entitled to give or withhold it, to withhold my assent to the Bill. But I am not competent to deal with it. I am not disposed to lend any aid in making this precedent on a matter of profound and vital importance in the constitutional practice of this country. I value the British Constitution, and would not touch it except on good cause shown. I do not see any good cause for touching the Treaty-making power at the present moment. I do not know to what extent this Bill, which I suppose will go forward, will create a precedent; I do not know what bearing it may have on the power of the Crown to cede territory. I can conceive that it might be urged, if Parliament is asked to vote the cession of Heligoland, questions as to the validity of other cessions in former times may be raised, because the Crown made those cesssions without the sanction of both Houses of Parliament. I must decline to be a party to instituting such a precedent at all, and I must decline taking any part in the proceedings on the present Bill. That may be consolatory to the right hon. Gentleman opposite, for he considers the dispatch of business towards the end of the Session constitutes the Alpha and Omega of our duty. I am sure the right hon. Gentleman will give me credit, in endeavouring to sustain my argument, for not being actuated by any factious feeling. It really

touches a matter of deep, serious, profound interest and importance. I wish to wash my hands of these proceedings as constituting a precedent. I repeat my assurance that I appreciate the motives that have actuated Her Majesty's Government in these proceedings, but I do trust that the House will bear in mind that we are dealing with matters which, though not very immediately in view, are, nevertheless, of vital consequence to the country, and that in making changes some care, and some reverence even, is due to the Constitution under which we live.

(6.15.) THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): I beg to assure the right hon. Gentleman that it is no consolation to Her Majesty's Government that he should propose to withdraw from further discussion of the Bill. Looking at the tone and spirit with which he has treated the question, it would have been a great satisfaction to us to have had the advantage of his great knowledge and experience. The right hon. Gentleman has paid a compliment to my noble Friend the Secretary of State for Foreign Affairs. He has given unqualified praise to my noble Friend for the spirit with which he has conducted the negotiations; and I am glad that it should be known, both in Germany and elsewhere, that, so far as the substance of the Agreement is concerned, the right hon. Gentleman, representing as he does so large a proportion of hon. Members who sit opposite, should have associated himself with the general feeling of satisfaction that an Agreement has been come to with the friendly Power of Germany. I will not follow my right hon. Friend in the first part of his speech. I see with great pleasure that, so far as the African question is concerned, he considers that the rights of the natives remain in exactly the same position as now, and that the Agreement will not to any extent change their position. I am sure that he will also associate himself with the general feeling which I believe will exist in this House, that it is satisfactory to have terminated the race or competition with Germany in those regions, and that we shall, for the future, be able to pursue our colonising efforts without that jealousy which otherwise might have existed. The right hon. Gentleman spoke with great discretion, and touched in the slightest possible manner, on what he called the error of my noble Friend in having concluded negotiations with Germany before he had invited France to consent to the proposal with regard to the protectorate of Zanzibar. I am glad that the right hon. Gentleman, through the delicacy with which he touched upon the question, has relieved us from the necessity of going into the matter during the pending negotiations with France, which, I believe, in a short time will be brought to a satisfactory termination. At any time after the negotiations are concluded we will be prepared to enter into a discussion of "the error," as he called it. With regard to Heligoland, we do not take any exception to the hope which the right hon. Gentleman expresses with respect to the declaration of the Under Secretary for Foreign Affairs as to the *status* of British subjects in Heligoland and their children in the future. The question is a complicated one; it depends on the interpretation of German law. We are satisfied that the statement of my right hon. Friend was absolutely correct, and that the inhabitants of Heligoland and their children retain the full rights of British subjects. We have made every provision possible for the *status* of those from whom we part. The main point of the speech of the right hon. Gentleman touched upon the Constitutional question of the treaty-making power, and we must admit to the full the right and the duty of the right hon. Gentleman, holding the views that he does, in placing his most interesting and learned arguments fully before the House. He has saved the House from the remark that a matter of this kind had been passed over *sub silentio*. I notice that the friends of the right hon. Gentleman in the House of Lords did not raise the question. If they had done so my noble Friend the Secretary of State for Foreign Affairs would have been most competent to deal with it. At all events, I am prepared to the best of my ability, though practically without notice that this particular point would be raised—but of that I make no complaint—I say I am prepared to deal with it. With one most important point in the conclusion of the right hon. Gentleman's speech let me at once attempt

o deal. The right hon. Gentleman said if we attempted to find a precedent for the course we had pursued in asking the assent of Parliament to the cession he doubted if we could find it. We do not for a moment base our argument on the assumption that the assent of Parliament was indispensable to the cession. If we were to say that by no other means would it be legal to make the cession, then there would be something in the argument of my right hon. Friend. But we do not take that ground. There is one point to which the right hon. Gentleman did not call attention, and that is, that in the agreement itself it is stipulated between the Crown and the German Emperor that the assent of Parliament shall be given. It is a perfectly right contention that we were right or we were wrong in stipulating for the assent of Parliament, but it is not for Parliament to say that such an assent should be reserved to it. It is the Crown which has stipulated for the assent of Parliament, and it is the prerogative of the Crown to deal with the matter. But it was the wish of the Crown that Parliament should be associated with it in this case. My right hon. Friend called attention to the fact that some doubt has been expressed upon the point of whether the assent of Parliament was required. I think I shall have the assent of Members in various quarters of the House when I say that if there was any doubt on the point it was better that it should be solved by taking the assent of Parliament. But I do not rest upon that argument. I rest upon the argument that we were not obliged to ask the assent of Parliament. The right hon. Gentleman, with some ingenuity, put the question of the whole treaty-making power on this particular point, which involves the cession of territory. I should be as anxious as the right hon. Gentleman to preserve to the Crown the Treaty-making Power. I know that is not the view of some hon. Members—those who contend that the Treaty-making Power should be transferred to this House. I am glad that we are strengthened by the very powerful speech of the Leader of the Opposition on behalf of the policy of retaining the Treaty-making Power in the Crown. We do not wish to set the example that Treaties should invariably or generally be submitted to this House before they are made. I wish to reinforce the argument of my right hon. Friend on that head. I wish to say that there are many cases in which to require the sanction of Parliament to the making of Treaties would be extremely impolitic. I am perfectly ready to leave as a general question the risks which the right hon. Gentleman intimated might follow, when he said that the present position was this—that it was the House of Commons, and not the House of Lords, with whom the ratification of the Treaty-making Power rested, because the House of Commons has the power of punishing Ministers, and the House of Lords is deprived of that interesting function. That power of the House of Commons, no doubt, is a great restraint upon Governments in negotiating Treaties, and it must keep the entire responsibility of it. But I am not sorry that, upon a point so vital as the cession of territory, in time of peace and not under the pressure of war, Parliament should have been asked to give its assent. It is not an indispensable assent. It is indispensable in this case, because the Crown has inserted a clause to that effect. I followed with attention and interest the precedents quoted by the right hon. Gentleman. None of those precedents bears even a near analogy to the present case. But the very fact that these negotiations were not an absolutely indispensable settlement of an international dispute, but merely a matter of policy, adopted without pressure, and under no compulsion from any Power whatever, seemed to make it more desirable that we should have the assent of Parliament to the transfer of persons who are British subjects; because the cession of territory in which there are British subjects is a matter which should be dealt with with extraordinary prudence and the fullest consideration on all sides. We accept this responsibility. We admit that it is a departure in a certain sense from practice, though there is no precedent which would be exactly analogous to this case. This view does not involve that the assent of Parliament is indispensable to Treaty making, or even to the cession of territory. But there are occasions when the Crown, while reserving its full right of making a Treaty, if it chooses, may, on the advice of its Ministers, after an Agreement has been made and entered

into, which transfers British subjects from one allegiance to another, submit it for the approval of both Houses of Parliament.

(6.33.) SIR W. HARCOURT (Derby): I have listened most attentively to the speech of the Chancellor of the Exchequer, but I am as far as ever from understanding why the Government have thought it worth while, on a great constitutional question, to change absolutely in silence the whole practice of Parliament, affecting, as it does, the relations of Parliament to the Crown, and of one House of Parliament to the other. It is, I suppose, a part of that remarkably morbid passion which the present Government have for unnecessarily raising constitutional questions on matters where every one is agreed. The Chancellor of the Exchequer cannot deny that there is no example in the history of the English Constitution of a Bill of this character for such a purpose. The ordinary form in dealing with Treaties, whether they be Treaties of cession, or any other Treaties, is to lay the Treaty before both Houses of Parliament, and, if the Treaty is of sufficient importance, to move an Address of approval by Parliament to the Treaty made by the Crown. If, as in cases of minor cessions, the Treaty is not of sufficient importance, it lies on the Table; no one thinks it worth while to move an Address; and the cession takes place without the approval of Parliament. That is unquestionably the Constitutional Law and practice, and why has it been departed from? Why have the Government not, in both Houses of Parliament, moved an Address approving the Anglo-German Agreement? That is the constitutional practice, and if it had been followed we should have had the whole Treaty before us. But instead of that the Government bring in a Bill in a way never before heard of. They pick out one article, and the opinion of the House is not asked as to the whole Anglo-German Treaty, but only as to this one article referring to Heligoland. The Chancellor of the Exchequer says that nothing was said about this procedure in the House of Lords. I should think not; it is far too much to their advantage for them to raise any such question of law. Then the Chancellor of the Exchequer says that it was not necessary to ask the leave of Parliament, but that this was done merely out of the bounty of the Crown. But I will tell the right hon. Gentleman this—that if there is anything clear and certain in the constitutional history of this country it is that where taxation or anything else has been empowered by prerogative alone, and the interposition of Parliament has been subsequently invited or enforced, that prerogative has gone. No constitutional lawyer can deny that, for it is proved in every chapter of history. The growing power of Parliament and the waning power of prerogative are attributable to the fact that Parliament has been introduced into matters that were once done by prerogative alone; and once the interference of Parliament has been established it cannot be disestablished. Do not let it be supposed that this is a small thing. There was another argument used by the Chancellor of the Exchequer, which was hardly worthy of his abilities. He urged that this was nothing, because it was inserted in the Bill that the Crown had itself in the Treaty proposed the assent of Parliament. The Crown has always done that in the class of Treaties to which my right hon. Friend the Member for Mid Lothian referred. The Crown is obliged to do it. Take any Treaty of Commerce—your own Sugar Treaty, for example. In that Treaty the Crown inserted that it should be under the assent of Parliament. Was that because the Crown reserved the power not to ask the assent of Parliament? Why is the Parliamentary assent given to Loan Treaties or Commercial Treaties? Because it does not belong to the prerogative of the Crown to tax or lend the money of the people. Therefore, when a Treaty of this kind is made, the assent of Parliament is reserved exactly in the words that he used, because the Crown cannot do it without the assent of Parliament. The suggestion that the Crown has the power to do these things without the assent of Parliament is contrary to practice. Does any man deny that, in every case where cessions have been made, they have been made by the prerogative of the Crown without a Bill? In 1783, when the great cessions were made in the Treaty of Lord Bute, they were violently opposed, as everybody remembers, by Lord Chatham. If he could have argued that

those cessions to Spain and France must have the assent of Parliament by Bill, he would have advanced that argument. How did this unlearned doubt ever arise? This is a subject into which I was professionally called upon to inquire some years ago, and it was carefully sifted in the Courts of Law before a very competent tribunal. As far as I know, the idea that a cession of territory required the authority of Parliament was suggested for the first time in the Debate, during the Shelburne Administration, which gave rise to the notorious coalition, and which was started by Lord Carlisle in the House of Lords. The idea received some countenance from Lord Loughborough, but it was stamped out for ever by a speech of Lord Thurlow's, then Lord Chancellor, who treated it with the greatest contempt, for he said that no one ever heard of an Act of Parliament being required for a cession of territory. Mr. Fox, and all those who were violently opposed to the cessions in the Treaty of 1783, would have used this argument if they could have done so. The cessions were far more important than that which the House is now dealing with. They included Minorca, Florida, St. Pierre, and Miquelon, and there was no attempt to carry them out by Bill. From that time the proposition that cession of territory requires the sanction of an Act of Parliament has never been maintained by any responsible statesman or by any author worthy of any credit or authority. People who have not examined the subject say that the cession of territory is different from other Treaty-making powers. They do not differ at all. Cessions of territory are almost always made for corresponding considerations to those in this case; and you cannot deal with one part of a Treaty without dealing with the whole. Although, apparently, in this case the House is asked only to deal with the cession of Heligoland, you are, in fact, dealing with the whole Treaty-making power. Commercial Treaties are generally made as separate Treaties, but cession is always a consideration for some other advantage, it may be the cession of some other territory, or it may be the settlement of some disputed question, as here. I venture to assert there is no precedent for asking the assent of Parliament merely to a cession of territory. When the subject of the Ionian Islands was under consideration an hon. Member said that they ought not to be given up by Act of Parliament. Lord Palmerston said it was not a cession; but if it were he said that there was no question that the Crown, by its prerogative, might make a Treaty alienating such possession without the consent of the House of Commons, and that the history of the country furnished numerous instances in which cessions of this kind had been made, as in the case of Senegal, Minorca, Florida, the Islands of St. Pierre and Miquelon, which were all ceded by Treaty to some Foreign Power. Therefore, there can be no question as to the competency of the Crown to make the cession. I do not understand the Government to deny that this Treaty-making power resides in the Crown alone. It seems to me to be perfectly gratuitous to depart from the principle. It it were necessary I could show this by appealing to the highest authorities. Kent, in his Commentaries, says that wherever resides the Treaty-making power there resides the right of cession, unless the Constitution expressly excludes it. This subject was carefully considered by the founders of the American Constitution, to whom my right hon. Friend has referred in terms of well-deserved eulogium. In 1788, after the original Union of the States, and when the Federal Union was constituted, they carefully considered the Treaty-making power and the powers of the Executive of the United States; and there is nothing, I think, in the history of Constitutional Law so instructive as the discussion of those matters in the *Federalist* by Alexander Hamilton. In an 1869 number he says—

"The King of Great Britain can, of his own accord, make Treaties of peace, commerce, and alliance. It has been asserted that his authority in this respect is not conclusive, and that conventions with Foreign Powers are subject to revision and stand in need of ratification in Parliament, but I believe that this doctrine was never heard of until it was broached on this occasion. Every jurist of that Kingdom and man acquainted with its Constitution knows it is an established fact that the prerogative of making Treaties exists in the Crown in its utmost plenitude. Parliament, it is true, is sometimes seen employing itself in altering existing laws in conformity with the stipulations of new Treaties, and this may possibly have given birth to the imaginations that its co-operation

was necessary to the obligatory efficacy of a Treaty."

I understand that that doctrine is not denied by the Crown. I have heard it said that this doctrine only applies to cessions made after a war. There is no foundation for any statement of this kind; there is no authority, no example. Cessions have been made in peace, as well as Treaties at the conclusion of a war, over and over again. For instance, in 1814 Bantam was conceded to Holland. It has been said that there might be a different rule in respect of Treaties for which Parliament has legislated. There is no foundation for that distinction at all. The Crown has conceded territories over and over again, besides the Indian territories, where Parliament has legislated in respect of them. I give, as an example, the cession of the Gold Coast to the Dutch in 1867 by the Government of Lord Derby. That Treaty was signed by Lord Carnarvon (whose loss, I am sure, we all deeply deplore), and by the present Lord Derby. In 1843 an Act of Parliament was passed specially dealing with that territory, and in order to enable Her Majesty to provide for the government of her settlements on the coast of Africa. I would also give the cession of the English possessions in Sumatra, which were legislated for by Parliament. They were ceded by Treaty to the Dutch in exchange for the possession of the Straits Settlements, without an Act of Parliament. No instance can be given in limitation of the prerogative in this respect. I say this with some confidence, because it happened that in 1875 I was counsel in the Privy Council in a matter where this question was raised. The High Court of Bombay held the doctrine that an Indian cession was not valid because it had not been confirmed by Act of Parliament. On appeal, we challenged that doctrine. It was argued at great length before the Privy Council, and it is a remarkable fact that Lord Cairns, who was then the Chancellor, challenged Mr. Forsyth, who appeared as counsel on the other side, regarding this point. He was challenged to produce an instance; and he admitted that he could not. This is the first example introduced by the Government without a word of explanation or of warning to the House of Commons that they are changing the constitutional practice; and until the Chancellor of the Exchequer spoke, no account has been given of the remarkable course pursued. Something has been said about the American practice. I know there are gentlemen who think that the American practice should be adopted in this country; but this is not the American practice. It goes a great deal further than the American practice. If anyone wishes to understand the American practice I will recommend him to read a most interesting and instructive chapter in Storey's *History of the Constitution*, in which the author explains why the Americans adopted the concurrence of the Senate, and why it did not include the House of Representatives. It points out that there the chief of the Government is not, as in the case of the monarchy of England, perpetual. He only lasts for four years. It was, therefore, deemed necessary to have some other Treaty-making Power associated with him. But the Senate, and not the Legislature was so associated, and the Senate acts, not as part of the Legislature, but as part of the Executive. It is more like the association of the Privy Council with the Sovereign in matters of this kind. If anyone will consider the point, they will see how impossible it is to conduct the affairs of a great nation if the Treaty-making powers are dependent on the Legislature. Therefore, do not suppose that what the Government are doing is what the Americans have done; they are doing a great deal more than the Americans did. I ask what is the meaning of this departure on the part of Her Majesty's Government from the Constitutional practice in this case? I must say that a lamer reason than that given by the right hon. Gentleman the Chancellor of the Exchequer I never listened to in my life. You cannot touch the Constitution of this country by bits. Any interference with one part of it is likely to bring down the whole edifice about your ears. The Government appear to labour under the notion that they can tamper with the Constitution without consideration and without warning. We must consider the future, and see how far these things reach, and I venture to say that this is a matter that reaches very far indeed. When you have once made Parliament a partner in this matter you cannot repudiate the partnership. In

my opinion the Government have by this proceeding destroyed the treaty-making power and prerogative of the Crown as far as the cession of territory is concerned. In my opinion they have gone further than that, because the cession of territory is only a part of a treaty, and we cannot consider the cession as a whole. Therefore, do not imagine that this is only an affair of to-day, because it concerns the generations that have to come after us. What are the consequences of this proceeding? The Chancellor of the Exchequer referred to cessions made before, and said, "Oh, the argument that they will be invalidated is unfounded." I think it is perfectly well founded. If you pass an Act of Parliament to validate this cession you re-open all the questions which were raised in the case I speak of in the Privy Council. In that case it was alleged that English jurisdiction survived because the cession was invalidated and incompetent, because it ought to have been ordered by the Houses of Parliament. In future people will point to the cession of Heligoland and say the authority of Parliament was necessary by Statute. In the cases of Sumatra, the Gold Coast, and India, the cessions have not been made by Act of Parliament. By their action Her Majesty's Government have tied the hands of the Executive. In my opinion the moment this Bill is carried the Government are bound to introduce a Bill to validate all past cessions which have been made without the authority of Parliament, and if this is to apply to a Treaty of Cession, why not to all Treaties? Annexations may bring with them responsibilities and dangers far greater than any loss sustained by cession. Why, then, are annexations not to be subject to the approval of Parliament? There are alliances offensive and defensive with the great military Powers of Europe. These involve consequences infinitely greater than the cession of Heligoland. Why are they not to be confirmed by the authority of Parliament? As my right hon. Friend has said, this opens up one of the greatest Constitutional questions that can be opened. Her Majesty's Government have taken a course which involves the rights of the Crown and the relations of both Houses of Parliament. It has been said that this is a question of prerogative of the Crown, and so it is. But what is the prerogative of the Crown? In the old days, perhaps, it meant that the Crown had the right, irrespective of any control whatever, to enter into Treaties for the cession of territory; but that is not what it means now. In these days the prerogative of the Crown means the prerogative of the House of Commons. The Ministers of the Crown are the creation and the creatures of the House of Commons, and any impeachment of the prerogative of the Crown is an impeachment of the right of the House of Commons. The House of Commons can say how far the prerogative of the Crown shall be exercised, and that, in my opinion, makes the prerogative one of the most valuable of all the rights of the House of Commons, because the Ministers of the Crown exercise it under the authority and by the direction of the House of Commons. Therefore, no hon. Member who regards the prerogative from this aspect will be disposed to assent to the cutting down of the prerogative of the Crown. Do not let it be supposed, therefore, that in fighting for the prerogative of the Crown we are fighting for anything that is opposed to popular rights, because we are, in truth, fighting for that which is one of the great weapons that can be used in support of popular rights. What is the effect of this proposal of the Government? I do not call it this insidious proposal of the Government, because I do not believe that the Government have ever considered its gravity. I do not suggest they have made this proposal in order to give to the House of Lords the power of veto in regard to the foreign policy of the country. I believe when Dr. Johnson was asked how some errors had occurred in his dictionary, he replied, "From sheer ignorance." I believe that that is the case with Her Majesty's Government in this matter, and that they have made this mistake in sheer ignorance. Had they made this attack upon the Constitution of the country intentionally, they would have been acting most unfairly both to Parliament and to the country. I believe, however, that that is not the case, and that Her Majesty's Government have introduced this measure sheerly from want of consideration of the important

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change which it would effect in constitutional practice. The policy that induced Her Majesty's Government to bring forward this measure may have very serious consequences. In 1713 there was a Whig majority in the House of Lords, which supported the Duke of Marlborough against the Tory Government of Bolingbroke, and the Government had to create 12 Peers in one day in order to bring about the peace of Utrecht. Coming to later days, there was no period during the Foreign Administration of Lord Palmerston when he had not a hostile majority opposed to him in the House of Lords, and if matters of this kind had been submitted to that Assembly they would have destroyed his policy altogether. Over and over again the House of Lords passed Votes of Censure upon him, but Lord Palmerston, having the support of an assured majority of the Representatives of the people in this House, took no notice of those Votes of Censure. What would be the consequence if a Government, having a large majority in the House of Commons, were to find measures of this kind embodying their foreign policy thrown out by the House of Lords? The result would be to make the consent of the House of Lords an absolute condition precedent to a Treaty involving the cession of territory. I do not say it is the intention, but it will be the consequence, of this proceeding that any Treaty which the House of Lords disapproves cannot be ratified. Thus you give a veto to the House of Lords on the foreign policy of this country. This is a most dangerous and mischievous innovation. It is said if you do not do this the Isle of Wight might be given up. That is absurd. You might as well talk of vetoing the Mutiny Bill or the Appropriation Bill. These are points not worth considering. We are here dealing with a practical question. What is the situation? You have a principle founded on the Constitution. There is no exception. No authority can be quoted against it. In the case before the Privy Council it did not become necessary for the Court to decide the point, and the Judges are always very happy, when there is a large point and a small point, to decide on the small point. If you will look at that case you will see there is no doubt what the views of the Judges were. About that no man who reads the case, in which I was concerned with my friend Mr. Justice Fitzjames Stephen, can have any doubt. Well, that is the situation in which the Government have sprung upon us this new proceeding. They had before them the plain and simple course of proceeding. If they had chosen, this important matter might never have arisen. They might have laid the Treaty on the Table, and allowed any one to question it. If they had thought fit they might have moved an Address of Approbation of the Treaty. They had the cases of 1783, 1815, 1863, and 1856. How was the opinion of Parliament invited in those cases? It was invited by an Address in both Houses, thus leaving it open to the House of Lords to approve or the House of Commons to disapprove. My opinion is that this is an enormous constitutional mischief. It touches the foundation of your Executive Government and your relations with every country in the world. How is a Government that has not the command of a majority in the House of Lords to treat with any foreign nation? A foreign country would say—"We cannot treat with you. You have not got a majority of the House of Lords; we are not going to enter into a Treaty." A more serious condition of things it is impossible to conceive. I can only express, in conclusion, my astonishment at the action of the Government in having thought it desirable, in this wanton manner, to violate all Parliamentary precedent. I can only say that I shall associate myself with my right hon. Friend in the action he proposes to take. We have no wish to raise any question with Germany in this matter. It is not a question affecting the foreign country. Germany has nothing to do with it. It is a question belonging to our own Constitution. The form in which you have presented this arrangement for our acceptance is one that is not in accordance with, but in complete contradiction of, the constitutional practice always pursued by this country. We do not vote against your Bill, because we do not wish to break the Agreement with Germany. We cannot vote for it for the reasons given by my right hon. Friend. It remains only for us to enter our solemn protest against the proceeding which the Government have taken,

in the hope that it may not form a precedent in the future.

*(7.22.) THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): For one thing, at all events, I am grateful to the right hon. Gentleman. He accuses the Government in submitting this question to Parliament of having made a formidable breach of the Constitution. He accuses us of increasing the power of the House of Lords at the cost of the House of Commons; but he is good enough to say that we did not do it by design. I am thankful for the admission, because I remember the last time I came into conflict with him on a constitutional question he was good enough to accuse me, with regard to a certain proposed Standing Order, that my special object was to destroy the power of the House of Commons, and increase the power of the House of Lords.

SIR W. HARCOURT: I withdrew that.

*MR. A. J. BALFOUR: I am utterly unable to understand whence has been born the right hon. Gentleman's new passion for the prerogative of the Crown. My impression was that, by conviction and tradition, the right hon. Gentleman was unalterably opposed to the prerogative of the Crown, and that his one desire was to diminish it. I now find him standing up as the champion of the prerogative of the Crown against, of all Parties in the world, a Conservative Government. I could not understand this strange protest until we reached the latter part of the right hon. Gentleman's speech, and then I discovered that what he was afraid of was not the action of the House of Commons, but the action of the House of Lords; and if there is a thing that he dislikes more than the prerogative of the Crown it is the power of the House of Lords. The greater hatred has overcome the lesser hatred, and we have the right hon. Gentleman standing forth, for the first time in his life, as the great champion of the prerogative of the Crown. Now, what is the value of this precious argument that he has unearthed as to the possible action of the House of Lords with regard to a Treaty? He asks how any Government can negotiate a Treaty with a Government if it happens to be in a minority in the House of Lords, which can set the Treaty aside? ["Hear, hear!"] Well, I am glad I have correctly stated his argument. Then let the right hon. Gentleman have the courage of his opinions. Let him be consistent. Let him withdraw from the House of Commons what it has now by immemorial usage, the right to have its assent asked to any commercial Treaty, to Treaties embodying financial proposals. We are told that to associate the House of Lords with us in any matter of this kind diminishes rather than increases the power of the House of Commons. Then, I say to the right hon. Gentleman, let him carry his argument to its logical issue. Let him carry out his new opinions, which we have heard for the first time in our history; let him advocate the doctrine that all Treaties shall be withdrawn from the cognizance of Parliament. Until he does that he has not a leg to stand upon, when he tells us that the power of this House is diminished or destroyed when we substitute the assent of Parliament for the prerogative of the Crown. I think that disposes of his argument. [*Opposition Laughter.*] Well, I will not say it disposes of his argument, but I will say that it disposes of the consistency of the right hon. Gentleman. I think there is one argument which, if it had had any foundation in fact, would have had a far more serious import—I mean the argument that all previous Treaties ceding territories will be invalidated if we once admit the principle that the assent of Parliament is required. But the right hon. Gentleman must know that that is not good Constitutional Law. If we were to come forward and say to France, "We find that we have ceded you territory under conditions not in accord with the constitutional usage of the British Empire; you will be good enough to hand it back to us," France would laugh at us. The weakest State in Europe would laugh at us. The argument of the right hon. Gentleman that such cessions are absolutely invalidated must fall to the ground.

SIR W. HARCOURT: I did not go to the full length of that statement. My argument applied only to the great danger which would arise in regard to Indian cessions.

*MR. A. J. BALFOUR: I believe I am right in saying that a cession made on the authority of the Sovereign is a valid cession. The right hon. Gentleman said that Lord Loughborough had given his assent to the doctrine that Parliament was required to give its consent to the cession of territory, but then, he said, Lord Loughborough was a man of indifferent character, and his argument was immediately bowled over by Lord Thurlow. But then Lord Thurlow also was a man of very indifferent character, and I believe that historians to this day have not been able to make up their minds whether Lord Loughborough was a greater scoundrel than Lord Thurlow, or whether Lord Thurlow was a greater scoundrel than Lord Loughborough. I come down, then, to more recent days. The right hon. Gentleman the Member for Mid Lothian is not in his place now, but he quoted Lord Selborne as an authority for the doctrine that the assent of Parliament was necessary. [*Cries of* "No."]

SIR HORACE DAVEY (Stockton): He said it might be in a particular case.

*MR. A. J. BALFOUR: At all events he quoted Lord Selborne as having directly traversed the doctrine that he, the Member for Mid Lothian, has laid down, that under no circumstances could Parliament be required to give its assent. But there are other authorities of not less weight than Lord Selborne, and even of later date, and I am surprised the right hon. Gentleman did not know that. In two years, in the year 1870 and in 1884, I believe I am right in saying that the then Law Officers of the Crown expressed an opinion upon this great constitutional issue precisely in accordance with the doctrine now advanced by Her Majesty's Government. These are the opinions of very eminent legal gentlemen, who are responsible for the advice given to Her Majesty's Government.

SIR W. HARCOURT: Will you produce them?

*MR. A. J. BALFOUR: The right hon. Gentleman knows very well that would not be a possible proceeding.

SIR W. HARCOURT: I rise to order. I say that if these documents are not produced, they ought not to have been mentioned. The right hon. Gentleman is surprised I was not acquainted with them. How should I be? The right hon. Gentleman knows that the value of them depends upon what the circumstances were, and what were the opinions taken, and to make a vague statement on the matter is worthless.

*MR. A. J. BALFOUR: I do not know whether the right hon. Gentleman calls that a point of order or not, but I have no objection to it. It is not necessary, however, that the opinion of the Law Officers should be produced in the manner required, because all that is wanted for my argument is to show that there may be and have been doubts expressed by competent authority. I should be very sorry to lay it down as a doctrine to be held by every Government that it was absolutely necessary to make a cession of territory valid that it should be done with the assent of Parliament. What I do say is that eminent Legal Authorities, consulted specifically, have given it as their opinion that such assent is necessary. The question is, therefore, in a nebulous condition. It is one of those undecided cases of constitutional practice and law. Such cases constantly arise, and must constantly arise in, every unwritten Constitution. They do arise under our Constitution, and the question the Government had to determine was this—the matter being so far undecided—on which side were they to lend the weight of their practice and authority? On which side should they attempt by a precedent to determine this undetermined question? I say we were undoubtedly right, having those two alernatives before us, to choose the alternative which gave greater authority to Parliament, instead of choosing the alternative which diminished the authority of Parliament. Now, does anybody doubt that? The right hon. Gentleman and the Member for Mid Lothian talked throughout their speeches as if this procedure diminished the power of the House of Commons. What is the power they claim for the House of Commons? The power of turning out the Ministry if the Ministry do not please them. Well, that power is retained; that power remains undiminished, and if they disapprove of a Treaty submitted to them they have only to pass a Vote of Censure, and the Government of the day vanishes into thin air. But I differ from the right hon. Gentleman. He seems to think that the control of Parliament

over the Executive, control after the event (to use a somewhat Irish expression), the control by punishment and not by prevention, is in all cases the best method of managing international affairs. I do not think it is the best method. I admit that you could conclude a Treaty at the end of a war without Parliamentary consent. You could not conduct delicate foreign negotiations through the medium of the Houses of Parliament. I go much further, and I say to require the assent of Parliament to those exchanges or cessions of territory, which have constantly attended the conclusion of a peace, would be wholly absurd, and I, for one, should never think of being a party to any precedent that would make such a course obligatory on the Crown. But when I am told that, in all cases, this power of punishing the Ministry is ample security for managing international affairs I venture to differ. Prevention, as we all know, is better than cure. Here the right hon. Gentleman does not prevent; he punishes; he cannot cure. Under these circumstances it does seem to me that in these days, when the whole tendency of events is to increase the power of Parliament over the Executive, it is good to give Parliament not merely the power of punishing, but of preventing the Ministry from falling into error. That has been the policy we have followed in this case.

SIR W. HARCOURT: It will be a binding precedent.

*MR. A. J. BALFOUR: The right hon. Gentleman interrupts me by saying this is a binding precedent. I do not object to its being a binding precedent if you do not exceed the precedent. The precedent is this—that in a time of profound peace, when no great public emergency threatens the State, when no other and ulterior considerations were involved, when no difficulties of negotiation would be produced, then, and then only, a cession of British territory, and the transfer of British subjects to a foreign dominion, should not be undertaken until the assent of both Houses of Parliament had been declared. That is the precedent we have set. That precedent, I hope, will always be adhered to, and I hope—I do not shrink from it—the time will never come when, under the conditions I have enumerated, any Government will attempt to concede portions of the British territory without first asking the assent of this House and the House of Lords. Is it not absurd that it should be a doctrine of our Constitutional Law that any Treaty which involves even a sixpence of expenditure should require the assent of this House and the House of Lords, but that a Treaty, which might involve the cession of places of vital interest to the safety of the British Empire, should be able to be passed unquestioned by a Ministry who might be called to account, but could not be prevented from carrying out their policy? I am not afraid, for my own part, of any conclusions that may be legitimately drawn from the action of Her Majesty's Government. The precedent we accept is one from which we do not shrink. It is a precedent which we think ought to be followed. We know that it does not interfere with the Treaty-making power of the Crown; we know that it does not interefere with the power of the Crown in a great national crisis, without the assent of Parliament, to pass Treaties which may involve far greater cessions than that of Heligoland; and we do not object, but rejoice in the fact that if this precedent has been set it will not be in the power of any Government to come, in a period of profound peace, to manipulate the territories of the British Empire without asking the assent of the British Parliament.

(7.42.) SIR HORACE DAVEY: After the speech we have just heard we now know from the highest authority that the right hon. Gentleman not only defends the cession of Heligoland, but he rejoices in it and hopes it will be a precedent for the future. The precedent set by the Government in this matter is one of the most important constitutional changes that has ever taken place, certainly within my political recollection. Now, Sir, what is the position in which we stand in relation to this matter? The right hon. Gentleman has told the House that he makes certain limitations to the generality of the doctrine he has just laid down. If I understand him rightly, he says the Government deliberately intend, by the form they have given to this Bill, to set a precedent by which it will be impossible for any future Government to make any Treaty without the assent of Parliament under certain

conditions. What are those conditions? Anything more vague or more unsatisfactory cannot be conceived. There is to be no difficulty in a time of profound peace, but only in case of a national crisis. But who is to judge of whether there are difficulties of negotiation, or whether the time is one of a national crisis? Who is to judge, moreover, of whether there are ulterior considerations? Not only no lawyer, but no layman, would be able to grasp such a proposition of Constitutional Law as the right hon. Gentleman laid down. The proposition laid down by the right hon. Gentleman is that there is an exception to the Treaty-making power of the Crown in certain cases, which he is utterly unable to define by words which are capable of being put into a proposition of law.

*MR. A. J. BALFOUR: I am unwilling to interrupt the hon. and learned Gentleman. Nothing in my speech implied any limitation upon the Treaty-making power of the Crown; it was entirely the power of ceding territory.

SIR H. DAVEY: If you put a limitation upon the power of ceding territory, you put a limit upon the Treaty-making power of the Crown to cede territory. No one contends that the Crown can cede territory otherwise than by Treaty. I believe I am perfectly accurate when I say that in not a single instance has any doubt been thrown upon the power of the Crown to cede territory. It is quite true that the Minister who advises the Crown to make a cession of territory may be impeached, but I am not aware that Parliament has ever been asked by the Crown to give its opinion as to a cession of territory or the manner of making it. Our Constitutional Law is based upon precedents. We have no written Constitution. I ask where, if there are any precedents, am I to find this new constitutional theory? Blackstone, and all the great writers upon constitutional law are silent upon it. They place no limitation upon the power of the Crown to make a Treaty even for the cession of territory. The right hon. Gentleman said there were opinions quotable each way. I should like him to quote them. What is the use of telling me that the Law Advisers in a certain case gave certain opinions, unless I have an opportunity of reading those opinions, and of knowing the circumstances of the case to which they apply? The opinion of a lawyer without the case on which it is written is of singularly little value. But here we have not got even the lawyer's opinion. We are only told that the lawyer has given his opinion. I shall discard from my consideration any of those apocryphal opinions of the Law Officers. The right hon. Gentleman referred to the opinion of Sir Roundell Palmer, for whom I have as high a respect as anybody. Sir Roundell Palmer, in answering a question in this House, said the Crown had power to cede territory, but that he thought there might be a difference when Parliament had legislated for the cession of territory. So far as I know there is no authority in any text book, and no authority in any precedent, for the qualification, for it does not amount to more than a qualification, which Lord Selborne (Sir Roundell Palmer) was disposed to make in giving his answer. Lord Selborne did not say anything about a time of profound peace or ulterior considerations or difficulties of negotiation. I would much rather pay attention to the opinion of Lord Selborne after he has heard the argument of counsel, and, with the assistance of Lord Cairns, gives the judgment of the Privy Council, than to an off-hand answer to a question in this House. What was it that Lord Selborne said in giving the judgment of the Privy Council? He said—

> "Their Lordships think it sufficient to state that they entertain such grave doubts, to say no more, of the soundness of the general abstract doctrine laid down in high quarters as to be unable to advise any decision on the question."

I must congratulate the Party which calls itself the Constitutional Party on this new departure from Constitutional Law. In my opinion, it is revolutionary; in my opinion it is a precedent of a most dangerous character, and, so far as I can see from the speeches of the Chancellor of the Exchequer and the right hon. Gentleman, not a single shred of justification has been given for this departure. Has the Chancellor of the Exchequer given any justification for it? All he has said was that the Government did not think it right to cede territory in which there were British subjects living, and that there

were British subjects living in Heligoland. There are British subjects living in every portion of the British territory, and if the justification of the Chancellor of the Exchequer were sound, you could never cede any British territory at all without the assent of Parliament. The deliberate opinion of Lord Palmerston, who was a man of the highest experience in these matters, was that the Crown had, without the assent of Parliament, the most ample power to cede territory. Of course, if a Minister of the Crown does it, it is at the risk of being censured and called to account in this House. But subject to that limitation, it appears to me a precedent of a most dangerous character, which we are now told has been deliberately set in the form in which this Treaty has been made and this Bill has been introduced.

*(7.58.) SIR G. BADEN-POWELL (Liverpool, Kirkdale): Sir, the hon. and learned Gentleman who has just sat down has described this as the most important constitutional change of the century, and one without the slightest justification. But the Government had no other course open to them than that which they adopted. Distinguished constitutional lawyers have told us that it still remains doubtful whether by prerogative of the Crown it is possible to cede territory, and still more it is doubtful when you include inhabitants for whom this Parliament has legislated. I have noticed that speakers on the other side of the House imagine that Parliament has only one way, especially the House of Commons, of controlling the prerogative of the Crown, and that is by moving an Address to the Crown. But it must be acknowledged that in any Treaty which requires a legislative enactment to carry out its terms Parliament must have full control over that portion of the Agreement. I venture to say that in many cases Parliament has exercised that control where the right of the British subject has been recognised by Parliament, and the Crown does not cede that right without the sanction of the Legislature. With regard to Heligoland, Parliament has legislated on many details affecting the residents; there is no doubt Parliament has control of Heligoland, and the Agreement will affect a state of things which the Legislature has sanctioned.

SIR W. HARCOURT: Will the hon. Member give us the reference to the Act of Parliament?

*SIR G. BADEN-POWELL: I daresay the right hon. Gentleman is well aware of the power under which the Supreme Authority in England confers the right of legislating for the colonies by Order in Council. This is done by virtue of the General Statute Law, and the Order in Council merely carries out the general Statutes of Parliament. In my humble opinion, the Government have no other course but to come to Parliament, considering that in this particular case the Treaty would interfere with the legislative enactments passed by Parliament itself. It is no question whether the Bill forms a precedent or not, for it does not change the Constitutional action of this House in regard to the prerogative of the Crown. As to the general question, whilst no doubt we feel we ought ourselves, by reason of our experience, to make the best use of Africa, we should not object to other countries making some use of it. Personally, I have no jealousy of other countries; and I think that, provided we obtain low Import Duties and free transit routes, we need not fear any other Power, especially when we remember that we have in Africa a million square miles of territory which will surely form a sufficient area for our operations during the next century or two. Wherever our civilisation extends markets open for British goods, and we are able to obtain from the natives in return supplies of food and other objects of commerce which are very valuable to us. It has been said in relation to this Treaty that we need a free course for our trade from the Zambesi to the Nile. That is an argument which will not hold water. We do not want to go from the north to the south in Africa, but to carry our goods by the shortest route to and from the coast, and our course will be east and west rather than north and south. From this point of view I have no fear of the extension of German influence right up to the boundaries of the Congo State. I think it a great pity, however, that the Government has not been able to negotiate for the Protectorate of Damaraland and Namaqualand. It has been said that

the German occupation of those terriories is purely our fault and not the fault of the Cape Colony. If we look at the history of the question we shall find that at no very distant date the Cape Colony absolutely repudiated any idea of extending British authority over those territories. In 1885 the Cape Parliament resolved upon the desirability of annexing the coast up to Walfish Bay, but they specifically excluded the interior from annexation. Sir Bartle Frere, with with the free assent of Lord Carnarvon, urged both Governments to annex the whole of the territory up to the Portuguese boundary. The Cape Government was at the time in some difficulty, and it declined to annex those territories. It also withdrew the two British Residents from them, because, as it was distinctly stated, the moral force with which they sought to control the districts had failed to control them, and they were not prepared to use any other force. In February of 1884 our Ministers began again to urge the Cape Ministers to combine with them on this subject. It was not till June that they got a reply from the Cape, and by that time it was too late, because the Germans had taken possession of the territory. To my mind, there are very strong and urgent reasons why we should, if we could, have negotiated with Germany to get back these territories. I think, myself, that the whole of South Africa below the parallel of about 20 south latitude, should be under one flag and united together in one confederation or dominion, and I am convinced that all the European races in South Africa are willing to come together in one confederation, and will inevitably do so as soon as local jealousies have time to cease. For this reason I should like to see Damaraland and Namaqualand made an adjunct of the Cape Colony or Bechuanaland, so as to round off the South African States system. These countries would, I think, be best opened up from the Cape and Kimberley—as we know they do not, as it is, deal direct with Europe. I regret that there is no arrangement from the retrocession of these great territories, but, at the same time, I think the Anglo-German Agreement will confer inestimable advantage on the whole of Africa and enable us to work hand-in-hand with the other European Powers. I only hope that our negotiations with France and Portugal will be as successful as those with Germany. I do not think Her Majesty's Government had any other constitutional course open to them than to come to Parliament to sanction this Treaty to enable us to cede Heligoland. For we have legislated for the people of that island and could not hand them over to a Foreign Power without the consent of Parliament. (8.20.)

(8.43.) Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

*(8.45.) MR. BRADLAUGH (Northampton): I intend very briefly to give my reasons for supporting the Government. I have always desired to limit the prerogative of the Crown, and it is because I conceive that this Bill, whenever it receives the Royal Assent, will distinctly limit the prerogative of the Crown that I shall go into the lobby with the Government. If I had any doubt on the matter, my doubt would have been cleared away by the speech of the right hon. Gentleman the Chief Secretary for Ireland (Mr. A. J. Balfour). The right hon. Gentleman said that there were authorities quotable on both sides of the question, and that the Government had taken the course which he said was undoubtedly the right course to take, namely, that which gave greater authority to Parliament. If the right hon. Gentleman's words have any meaning, they mean that the Government, a Conservative Government, has with its eyes open selected a course which will in future diminish the prerogative of the Crown and increase the authority of Parliament at the expense of that prerogative. It is perfectly true that the right hon. Gentleman said that the limitation of the power of the Crown will be confined to the precedent we are dealing with this evening. I submit that there is no distinction or possible separation of the Treaties under different categories, except so far as those Treaties already come under categories where Parliament has already authority. The Chief Secretary said that any future action in reference to such a matter will be limited by the consideration which he said governs the House now in relation to this Treaty, namely, questions as to

whether there was outside excitement, and a number of matters to which I need not allude. I submit confidently that the only precedent that will be possible for reference will be the precedent of the Statute itself, and that it will not be competent to go outside the Statute to discuss the reasons which may or may not tempt or induce Members of either House to concur in the passing of the Bill; that it is quite impossible to take anything exterior to the Statute itself to determine whether or not the Statute limits the prerogative of the Crown or the extent to which it limits it. That this Bill if it becomes a Statute will limit the prerogative of the Crown is clear. It will not be competent after this Bill becomes law for anyone to go behind it and say that it was doubtful or that it might or might not have been done in some other way. The whole of the utterances as to the limitation of the prerogative of the Crown in the highest Constitutional Authorities show a gradual limitation by Statute after Statute, and it has been held over and over again that it is impossible to limit the prerogative by words of doubt; it must be limited by words which I say we have here. This, by the assent of the Queen, will be a relinquishment of the prerogative of Her Majesty and her successors to make, in the words of one of our greatest Constitutional Authorities, Treaties, leagues, and alliances with Foreign States and Princes without the consent of Parliament. I submit that that is a legal submission which the hon. and learned Gentleman the Attorney General will hardly dispute. The express words of the Chief Secretary for Ireland were that the Government intentionally and knowingly proposed—I am not quite sure about the intention—to give greater authority to Parliament; greater authority against whom? It can only be against the Crown. There is no authority given by this Bill against anybody except against the Crown. It may be that the exigencies of the argument will require the Attorney General, who, I notice, dissents, to contend that the prerogative has been abandoned in this particular only. I assent, without fear of contradiction, that such a contention would be laughed out of any Court in the realm. There never has been the contention that the prerogative, limited in one Statute, could be re-taken by the Crown of its own will; it needs the consent of the two Houses of Parliament to restore to the Crown the prerogative it has voluntarily abandoned, and the whole of the theory of our limited Monarchy and the whole of our Constitution has grown in that way, and it is because I desire to limit the prerogative of the Crown, to make the Chief Magistrate of this country subject to Parliament, because I hope that this proceeding may lead to the prevention of wars by preventing the making of Treaties which end in wars, that I intend to vote with the Government in support of this Bill. It has been said that the assent of Parliament is necessary, because it is a matter of doubt. I suggest that the burden is upon the Attorney General or whoever may reply to show one solitary case in which any Treaty has been impeached on the ground of the inability of the Sovereign of these realms to enter into it. It is quite true that there is the danger that the effect of this Bill will be to increase the power of the other House, as well as of this. I am not concerned with the other House. I am concerned with the powers of this House, and it is because I am sure that this Bill will increase the power of Parliament—meaning by that, both Houses of Parliament—and will limit seriously in this respect the prerogative of the Crown, that I intend to vote with the Government. It is said that as there is in the House of Lords a Party predominant over the Party to which Members on this side of the House belong, you will paralyse Liberal Governments. I am willing to take the risk of that. If I am sure I have reduced the power of the Crown to make Treaties which involve impositions upon the nation, I shall be quite content to rely on what experience has taught us, that when the House of Lords enters upon a struggle with the House of Commons on questions of public policy, it is the House of Commons that prevails. But at present the House of Commons is powerless against a Ministry in relation to a Treaty. A Ministry may be thrown out of Office by a hostile vote of this House, but the repudiation of a Treaty never follows. I intend to vote with the Government, and it is something to be able to defend

one's self before the country by showing that those who boast most of being constitutionalists, either intentionally or in ignorance, are most frequent in trampling upon the Constitution. It would be a special pleasure to me to assist the Government in modifying one part of the Constitution, because I had to struggle against them in defence of another part. I need not occupy any length of time; the way lies so clear that words weaken rather than strengthen the case. The point is not as to what Treaties have been before, but as to those we are to have in the future. I admit that whatever has been done by the Crown in virtue of prerogative; whatever has been done before this Bill becomes law, is not affected; but from the moment this Bill receives the Royal Assent, it is an admonition to the Sovereign that the Crown has no right to enter into alliances or engagements with any Foreign State or Prince without the authority of Parliament, and, therefore, not without the authority of this House. This is so clear to my mind that on this ground alone I shall vote with the Government in limiting the power of the Crown.

*(9.1.) MR. BAUMANN (Camberwell, Peckham): Perhaps I ought to apologise to the House for descending from the Olympian heights of Constitutional Law to the prosaic level of the Agreement itself now before the House; but I do not think we ought to allow the constitutional aspect of the question, important as it is, entirely to obscure the merits or demerits of the Agreement which we are asked to assent to. The present Sir Robert Peel once said the Constitutional Lawyers were the greatest bores in the House of Commons, and at this stage of the proceedings I think it is a dictum that Members will not be disposed to deny. If we are to consider the Treaty itself, it is about time we said good-bye to Constitutional Law. Most hon. Members will agree that it is a new and sound departure in our foreign and colonial politics when we resolve to settle international differences by bargains rather than by battles, as in former days; and I am very glad to infer from what has been said by the Under Secretary for Foreign Affairs that this Agreement is likely to create a precedent, and that we may in future, by conceding in West Africa something to the just demands of France, settle without further disagreement the question of the Newfoundland fisheries. France has behaved towards us with great forbearance and comity in this matter, and I certainly hope that, having made this Agreement with Germany and having left France rather out in the cold in the matter, we shall not be slow, when we come to deal with the question of Zanzibar, to follow the lines on which Lord Salisbury has proceeded up to the present, and make some concession to France on the West Coast of Africa. With regard to the East African part of the question and the concessions we have made to and obtained from Germany, I will say only this, not being peculiarly well qualified to speak on the matter—that I think the settlement is of a statesmanlike character, and that it is well worth giving something to secure the friendship of the greatest Protestant Power in Europe. But with regard to that part of the subject which deals with South Africa, and about which I know a little more, I am bound to say that I cannot altogether approve the arrangement which Lord Salisbury has made, because I think the noble Lord has gone too far, and unnecessarily far, in allowing the Germans to come within our sphere of influence in that part of Africa. It is not only that he has allowed Germany to come east of the 20th degree of longitude, and as far as the 21st degree; but that when they reach the 18th parallel of latitude, he has allowed the Germans to go a great deal further east to Victoria Falls in such a way as to block or cross the path of our expansion in the Bechuanaland Protectorate. In order to appreciate what Lord Salisbury has done in admitting the Germans within our sphere of influence in South Africa, it is necessary to allude shortly to the history of that sphere of influence. Our sphere of influence was proclaimed with all due solemnity and deliberation on February 11, 1888, by Mr. Moffatt, then Acting Commissioner; and on July 25 in the same year, Sir Hercules Robinson wrote to the Transvaal Government that Her Majesty's Government regarded territory north of the South African Republic, South of the Zambesi, east of the 20th degree of east longitude, and west of the

Portuguese settlement of Sofala, as exclusively within the sphere of British influence. Now the phrase "sphere of influence" was new in colonial politics at that time, and it struck the ear of the Dutch Republic, and they asked the British Government to give an explanation of what was meant by "sphere of influence," and they asked what was the position under the law of nations of such territory, and as this is of great importance in colonial politics, I hope the House will forgive me if I read Lord Knutsford's answer. He instructed Sir Hercules Robinson to reply to President Krüger on March 29, 1889, in the following terms:—

"In answer to the question in paragraph 5 of your Despatch as to what would be the position under the law of nations of territory exclusively under British influence, I am directed to state that such territory could not be without the consent of Her Majesty's Government, annexed by the South African Republic or by any Foreign Power, nor could any concession be made by any King or Chief within such territory which would place British subjects or British trade in a position of disadvantage."

I ask with what face, having on those conditions rigorously excluded the Boers from the territory which marches with their own country, and into which they might legitimately ask that they might be allowed to expand and overflow, can we admit the Germans to it? I think the Boers have some reason to complain that we have hemmed them in on every side, but I think they have a double reason to complain when we have told them somewhat bluntly that the Protectorate territory is meat not for them but their masters, and now allow the Germans to take out a large slice of this, to them, forbidden territory. I cannot help saying our conduct in this regard appears, I had almost said contemptible, when we compare it with our attitude towards Portugal. Before the awful personality of Serpa Pinto we are arrogant and unbending: before Germany we are complaisance itself. It is extraordinary what a cementing bond of friendship is the mastership, mastership of many legions. I warn Lord Salisbury, however, that in admitting Germany within our sphere of influence in South Africa without, I believe, taking any counsel with the Government of Cape Colony, he is opening up a vista of future troubles. I am afraid he is raising a crop of troubles in South Africa, because it is impossible that there we can have a double reign. I have, therefore, felt it to be my duty to protest against unnecessary concession to the Germans in South Africa, especially as we receive nothing in exchange. Viewing the Agreement as a whole, however, I regard it as a solid monument of statesmanship, and I shall vote for the Second Reading of the Bill.

(9.15.) MR. PHILIPPS (Lanark, Mid): The Under Secretary for Foreign Affairs has said that British interests should be above Party fights. Now, I remember that, on June 2nd, an hon. Member moved a reduction in the Vote for the expenses of Heligoland, on the ground that it would be desirable to trade away the island to Germany for some concession in Africa, and upon that 27 Members voted in favour of the proposition and 150 against it, who are now disposed to accept this Agreement, and, in view of these things, I am disposed to doubt whether the House does put British interests above Party fights. I remember, after the hon. Member for Kirkcaldy and the hon. Member for the Scotland Division had suggested the exchange of Heligoland for some advantage in South Africa, the Under Secretary for the Colonies said that

"Not a shadow of reason or excuse for giving up one of the possessions of the Crown had been brought forward by the hon. Members."

Well, we have not yet heard of the resignation of the Under Secretary for the Colonies, and I do not think he is going to speak on this question. Therefore, I think the right hon. Gentleman (Sir James Fergusson) is a little sanguine in expressing the hope that this will be treated above Party considerations. It has been said in favour of giving up Heligoland that there is difficulty in defending an outlying possession such as this; that we have not an army to garrison such. But do we garrison outlying islands around our coasts? No garrisons are needed; they are defended by the knowledge that they are defended by the power of the British Navy, by the knowledge that if invaders landed, they would soon be surrounded, and have to surrender to a British Fleet. Surely there is no serious argument in

this difficulty that we cannot garrison our possessions. The cession of the island I do not regard as of very much importance, but it is a new principle that we should give up a population of 2,000 persons who have no wish whatever to be surrendered. The only evidence of their willingness is that Lord Salisbury said he had an impression that they did not object, and the Under Secretary has stated that we hear less and less of objection on their part every day. Well, I suppose that is natural, for the people are poor and powerless, and as they feel it is more and more likely they are to be handed over to Germany, they would naturally be more and more reluctant to raise objections. There is only one way of settling the question, and that is by taking a *plébiscite*. I do not wish to exaggerate the importance of Heligoland, though I believe there is some evidence that Naval and Military Authorities do consider it of some value. The Under Secretary does not dispute that Heligoland is of greater value to Germany than to us. Its value to them, from a sentimental point of view, is considerable, and possibly it has a naval value. On that account we ought to get a very good bargain from Germany, but the fact is we have only obtained two things which can be called concessions at all, namely, certain rights in Uganda and in the Sultanate of Vitu. The value of these rights is very doubtful. They may be of certain value to trading companies, but my point of opposition to the Anglo-German Agreement is that we are seeking to create in Central Africa a place for future colonisation, and I do not believe in a pestilential place like Vitu or equatorial districts as a place where Europeans can settle, live, and thrive. On the other hand, there are in East Central Africa alone two things of great importance to us—first, the plateau of land to the East of Lake Tanganyika, which many travellers, Commander Cameron and others, say is suitable for European colonisation; and, secondly, a British belt running from north to south. With this we should have a frontier continuous with the Congo State and Lake Tanganyika as a frontier for 400 miles. Neither of these two things are obtained for us. The Government have reserved the right to a road from one British territory to another—I could have wished that it was the right to a railroad, which will be of far greater consequence. But it is in South-West Africa that we have made the most disastrous concessions. The value of that country has only recently become known. It is fit for pastures, and is of great mineral wealth. It is just as we have got to know its value that we have gone out of our way to surrender a large slice of it to Germany. The Germans are making no use of Damaraland and Namaqualand. I do not think there are more than 200 German citizens in all that vast territory. They are simply settling on it, waiting until the work and capital of our people make it valuable, and then they will step in and claim it. While I do not say the Government could have got it back I do say, repeating what has been said by the hon. Member for Peckham, that it is an outrageous thing that German territory should be extended from longtitude 20 deg. E. to 21 deg. E. at the expense of the Chartered Company, and by a strip of 300 or 400 miles to the upper waters of the Zambesi. There is no concession whatever made to us in that part of Africa. We have thrown away the interest of Englishmen, of Boers, and of all the peoples of South Africa, and have got no earthly advantage in return. It is a serious matter, for this is one of the richest countries in the world. It is rich as an agricultural country, it abounds in mineral wealth; it has gold, and gold attracts settlers. These will find a fine climate, where they and their families can live and thrive, land for pasture and agriculture, coal just under the surface, iron ore, and other minerals. From all this we deliberately shut ourselves out. There are other and minor reasons against the arrangement. The line of division will cut through the country of the Makololo and Baroto tribes, and experience on the Afghan frontier with the Turcoman tribes, under like circumstances, should warn us against troubles that may arise from this cause. We have heard a great deal about the Hinterland doctrine; we are told that where a country has the coast line it ought also to own the land behind it. But I have noticed in this case that wherever the Hinterland doctrine has been in our favour, the principle

has been departed from, whereas it has been kept when it has been against us. Why have we not the Hinterland principle applied in the case of Walfisch Bay? If the Government got the right to run a railway from Walfisch Bay into the interior, it would be some compensation for the wicked surrender which they have been making. I do not want to repeat what has already been said about Zanzibar. I think it is agreed that in 1886 we did practically exercise a Protectorate there. The Under Secretary for Foreign Affairs has admitted that at that time our influence in Zanzibar was predominent and successful. In the year 1886, I repeat, we were exercising a Protectorate in Zanzibar, but by the action of the Government, Germany was allowed to get into the island, and now the only real concession which we have got under this Agreement is, that we are allowed to have back again the island of Zanzibar. At the same time, we do not recover possession of the five or six hundred miles of coast line which make the possession of the island valuable. The fact is, having once given up the island, we are surrendering Heligoland in order to get it back again. We are told, Sir, that we must not look at this Treaty bit by bit, but that we must consider it as a whole. But how can we do that unless we first take it bit by bit? We give a concession and we get a concession, and the question is, where does the balance of advantage come in? We get nothing given us except certain definite rights over two places in the Equator, the Sultanate of Vitu and Uganda. Moreover, under the Treaty, we shall have to buy the island a second time from France. That is a bargain which only requires to be mentioned in order to be condemned, and I am sure that if hon. Members vote as they feel, this Anglo-German Agreement will not meet the approval of the House to-night. I am not attacking the Agreement in any spirit of Jingoism. Jingoism is, I think, a hateful thing. We know what it is. We know that men on the platform shout about this great Empire, and howl about giving up the territory which our forefathers fought for, but I venture to think that their forefathers had little to do with the building up of this Empire. The reason why I dislike the Agreement is this. I know that this country is a country in which white men can live. I believe it is a country where millions of our fellow subjects may live and thrive. You have many States happily coming well together. You have the Cape, Natal, the Transvaal, and the Orange Free State. They are getting on better and better, and we are coming rapidly nearer to the day when there will be a confederation of all the States in Africa. Yet we are, by this Agreement, throwing in among them a German Official element, connecting them with another European country, with which they cannot coalesce or combine. In South Africa there are already nearly half a million of white men spread over the different States—an hon. Member near me says there are 1,000,000. I did not know there were so many, and I have stated there are 500,000, because I believe it is best to be on the safe side. But in the German territory in the South-West you have only about 200 Germans. Why, then, do the Government want to give up more territory to these few Germans, who do nothing to civilise these States, but simply sit down to take their ease, leaving it to British and Boer enterprise to develop the country and make it more valuable to them some day? In the meanwhile, the people of this country are increasing at an enormously rapid rate every year, and we must find some country for our emigrants in the future. I, therefore, deplore immensely that even one square mile of Africa should be given up without absolute necessity. It is difficult to understand why this Agreement was ever made. They tell us that we have the advantage of having secured the friendship of Germany. I hope that we have, but it seems to me that friendship may be sometimes too dearly bought, and I think it will be much too dearly bought if it is purchased by giving up valuable territories in the colonies and in Africa. We do not require interest in Europe. The less we have to do with European politics the better. I think that friendship purchased in Europe will prove a very dear bargain indeed if we give up for it valuable territory in the colonies. I am opposing this Agreement because of the intense interest I feel in this

Mr. Philipps

continent and in the subject of colonisation. Africa is a country in which white men may live and thrive, and it is because of my regret at seeing Her Majesty's Government giving up even a small bit of this immensely valuable territory that I beg to move that the Bill be read a second time this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Philipps.*)

Question proposed, "That the word 'now' stand part of the Question."

(9.40.) SIR JOHN KENNAWAY (Devon, Honiton): We must all congratulate Lord Salisbury upon having succeeded in closing an open sore between this country and Germany. No doubt it is possible to point out various localities in which we might have had something more, but to intimate, as the last speaker has done, that there has been a throwing away of an opportunity, and a neglect of the interests of our colonies, is very unfair. The feeling of the country will be that there is great cause for satisfaction at the conclusion of this Treaty. It is well to observe how marvellous has been the change of opinion during the past few years with regard to the acquisition of territorial influence. A short time ago we were anxious to get rid of, or, at all events, there seemed to be a feeling that we cared nothing for our colonies or colonial possessions—that they were a burden to us, that we had more on our hands than we could manage, and that we might get rid of everything outside our islands. The change from that state of feeling has been most marked, and only a few months ago we were oppressed with the fear that Germany had altogether out-stripped us in the race, and that we were likely to be crowded out of Africa altogether. There was fear that our commerce in seeking new outlets, and our missionary enterprises which had sent forward so many devoted men, and had expended millions of money, might have their energies hampered. Because we must remember that it is this English enterprise and English zeal which has opened up Africa in the way it has been opened up. English money has been spent to a very large extent, and it is only right that we should have a full and free scope for our energies, both in respect to commerce and to missions. When, therefore, the Agreement came to light, it was agreeable to find that our interests had been safe-guarded to a very great extent. The hon. Gentleman who has just spoken threw scorn upon Uganda, but it has been proved that the country, as described by Mr. Stanley, is a very rich one and fertile, and I hope that when opened up by the East African Company, as it will be, it may prove a very useful outlet for colonisation to develop and promote civilisation in these parts. When, too, we remember the tension which existed a short time ago between this country and Germany, and the good feeling and hearty good will which now prevails, we shall feel that great importance should be attached to the present Agreement. The East African Company, which has already done so much, and is competent to do more, and the Missionary Societies will now be able to go forward with the sure knowledge that their energies will not be hampered. The House has heard a good deal of high oratory this evening respecting the clause which makes the Agreement subject to the assent of the British Parliament, and that high oratory has come from those who are, no doubt, well qualified to speak on the matter. We have been told that this is a great blow at the Royal prerogative and the hon. and junior Member for Northampton has said that he will support the Bill because it is a clear limitation of the Royal prerogative. My right hon. Friend the Irish Secretary, always an advocate of a heroic policy, has rushed forward in defence of the clause, and at once wished to take the view hat it would have great effect in the uture. I hardly know whether other Members of the Government will take exactly that view. I, myself, have regarded it not so much in the light of a precedent, but I think that this clause was inserted at the request of His Imperial Majesty

the German Emperor, who wished this Agreement to be not merely a Treaty with the British Government, but one with the British people, for he desired the question to be decided in amity between the two nations, and to be regarded as a token of the wish of the two peoples to live in strong friendship. This being the case, I hope and trust that, whatever we may think of the legislative achievements of this Session, we shall at all events look back upon this Agreement of 1890 as one which forms not only a bond of union between the two peoples, but also a precedent to the settling of such matters in a spirit of mutual concession and conciliation, which will enable them to go forward in the future in the work of civilisation in which these two Christian peoples are working together.

(9.50.) DR. CLARK (Caithness): If it were not for the African question I should strongly support the Second Reading of this Bill. I am glad that the Government have given up Heligoland, but, inasmuch as a great tract of valuable land is being given up in Africa as well, I shall oppose the Second Reading. The right hon. Gentleman the Under Secretary for Foreign Affairs is mistaken in saying that the Cape Government refused to take over Namaqualand. The fact is that in 1883 a Mr. Spence was organising an expedition in Cape Colony to go to Namaqualand, and take over some land for which he had obtained a concession there. About that time a German subject obtained from a Hottentot chief, for a few pounds and some cattle, a concession of some five miles of land, and the object of Mr. Spence's expedition was to turn the German out. Prince Bismarck asked the British Government whether we had a Protectorate in Namaqualand, or whether we would undertake to protect German subjects there. To that question for many months Lord Derby gave no reply. From September, 1883, until June, 1884, both Mr. Montana, as Colonial Secretary, and Mr. Scanlan, as Prime Minister, wrote to the High Commissioner strongly urging that the Imperial Government should take over the country, and when that Ministry was displaced by Sir Thomas Uppingham strong representations continued to be made to the Imperial Government to take over Namaqualand. Sir Hercules Robinson telegraphed to Lord Derby urging that the Imperial Government should accede to the wishes of the Government of Cape Colony, but Lord Derby telgraphed back asking Sir H. Robinson to prevent the matter being brought before the Cape Parliament. Those facts I learned in conversation with members of the Cape Ministry, and they also appear on the Despatches. Yet we are told by the Under Secretary for Foreign Affairs that neither the Imperial nor the Cape Government would take over Namaqualand, and hence the Germans took it over. It was not until Prince Bismarck had waited for months for an answer which he did not get that he stepped in and declared the five miles or so of land which were claimed by the German subject to be German territory. Now that has blossomed into one-half of Africa. No doubt the Liberal Government are to blame, but the Cape Government expected that in a matter of that kind the present Government would ask them whether they would sanction the course about to be taken. Then, why should the Government hand over to Germany a portion of Bechuanaland upon which so much British money has been spent? The Makololo and the Bechuanas will be partly under English and partly under German control. In exchange for all that territory, we are getting a strip of coast land. But everyone knows that in Africa the coast line is the least valuable, because of the fever, which makes it impossible for white men to live there. The really valuable land is in the well-watered uplands some 5,000 or 7,000 feet above the sea, and that is the kind of land which has been given up to the Germans. There is now a more friendly feeling than there has been for a long time between the two sections of the population of South Africa, the Dutch and the English. There is less race feeling existing there now, and the first step has been taken this year by having a Customs Union. The men who have

been fighting us are becoming loyal to the Crown, and there is a still more kindly feeling developing in the Free State and the Transvaal, where a British subject can have a vote after two years, and can become naturalised after five years. But now you are introducing the German element in Bechuanaland; you are bringing it to within easy distance of the Transvaal. I do not disapprove of the cession of Heligoland, which is to Bremen and Hamburg what the Isle of Man is to Liverpool and Manchester; but as regards South Africa, nothing more foolish has been done in the last 20 years than has been done. I yet see the sources of strained relations with Germany. In certain territories British subjects are prevented from entering by German officials. That those who have spent their money and time there are to be subject to a few people on the coast seems to be the height of folly. I say you have introduced an element of discord when Boers and Englishmen were beginning to see the merits of each other. You have brought the German force within a fortnight's march of the borders where the Crawford incident took place. Her Majesty's Government have done this, when they might have developed the magnificent territories and obtained the assistance of the Cape Government in establishing a position which they have now sacrificed.

(10.5.) MR. E. BECKETT (York, N.R., Whitby): Sir, though this Agreement seems likely to encounter no very violent opposition in this House, and will probably be sanctioned without a Division, I do not think it is one in which the Government and the country need take any particular pride. I think the Conservative Party have not studied the question, feeling the utmost confidence in the statesmanship of Lord Salisbury. Still, I fear that they have an uneasy sense that all is not well. They do not think it is quite what they would have approved of in 1885. It certainly is a fact that if any cession is proposed by the other side of the House, we shall not be able to oppose it with the freedom we should have felt had this Agreement not been in existence to bear witness against us. Lord Salisbury, in his speech in the House of Lords, did not claim any great merit for this arrangement, though extravagant eulogies have been passed upon him by his supporters. He said that the chief merit of this Agreement was that neither England nor Germany gained any advantage over the other. I think it will be granted that England will get no advantage from Germany, but no one will say that Germany does not get very considerable advantage from England. Germany has been too much favoured and England too much forgotten. We have made a cession for which we have received no adequate return. We have thrown away huge territories in Africa with a reckless prodigality that reminds one of the rake's progress, and in our passion for parting we take the Gibraltar of the Baltic and chuck it into the German Emperor's lap in order that he may say to the world, "Behold, another Bismarck is here!" A great deal has occurred in South Africa which I think is best illustrated by taking a description of England in Africa a few years ago written in a German journal of high authority—

> "England has laid her hand on all South Africa, where the Orange Free State alone prolongs an independent existence for perhaps only a few years. She has assumed a semi-autocratic position in Egypt and Zanzibar, and the cry has gone through the English papers to win the great and newly discovered territories of the Congo for Great Britain and to create in them a new and gigantic market for Egyptian merchandise."

After dazzling his readers with this picture of England sitting enthroned in the Continent of Africa, the writer added in a deprecating way, "But Germany ought not to resign this immense spoil to England." Nor has she. You cannot say that now our possessions in Africa are like an ocean whose broad expanse is broken only by a solitary island. The Transvaal has emerged from the waves. The waters have receded from Damaraland and appear likely to leave Swaziland uncovered. Our autocratic position in Zanzibar has been resigned and only partially resumed; so that all that remains to us is our semi-autocratic

position in Egypt and a bare half of our former possessions in South Africa. It has been contended that we really have no Protectorate over Zanzibar, and the Under Secretary for Foreign Affairs used rather a hard expression, for he said that we would not resume the Protectorate of Zanzibar in a concrete form.

*Sir J. FERGUSSON: I did not use that word.

Mr. E. BECKETT: Our relations with, and our services to, Zanzibar date back 30 years and more. In 1860 an insurrection, organised by the Sultan's brother, was suppressed by our aid, and the Sultan saved from ruin. He and his successors were devoted to the British alliance, our object being, independent of trade, the suppression of slavery. We also provided a Christian Church, and have something like 10,000 children in Christian schools. Furthermore, we have greatly reduced, if not altogether abolished, the Slave Trade. In 1872 we sent Sir Bartle Frere on a special mission to Zanzibar to arrange for the suppression of the Slave Trade. We have by these and other events established a virtual Protectorate, which was acquiesced in by the Powers of Europe, and the Sultan looked to us to support him. In 1873 there was no mail service to Zanzibar except that of England, and in 1875 the Sultan visited England, where he was received with great state and cordiality. On his return new rules for the suppression of the Slave Trade were made, and in 1875 the Bishop there wrote that the Slave Trade was practically at an end. In 1879 Egypt thought to secure the trade of Central Africa, and sent a fleet to Zanzibar. This, however, was protested against; the protest was supported by England, and Egypt gave way. In 1880 Sir John Kirk, our able and zealous Consul there, left on two years' leave of absence. He was received with great demonstrations, and treated with special marks of distinction. On his return he decorated the Sultan with the Grand Cross of St. Michael and St. George sent by the Queen, and in the following year the Sultan entertained the officers and men of the British Fleet. From 1883 dates the growth of German influence. Owing to the apathy and indifference of the English Government the Germans tried to undermine and oust us. The Sultan, however, still looked to England, and in 1884 he wrote—

> "Confiding in the good Providence of the Most High God and relying on Her Most Gracious Majesty we have no fear of aggression from any one."

In 1886 Germany made claims which were resisted by the Sultan, but a convention was made between England and Germany which deprived Zanzibar of nearly all its possessions, but reserved a 10 mile zone on the mainland. This was done to satisfy English public opinion. The Government did not dare to hand over unconditionally the territory of a faithful ally, who had trusted us and followed our advice for a quarter of a century; but in 1888 the territory of Zanzibar was further contracted, and the whole mainland was practically surrendered to Germany, and what was the result? From the date of that usurpation the natives became dissatisfied, and rebelled; murders were committed; Germany expressly bound herself in 1886 and again in 1887 not to operate in, or permit operations in, the territory we have now surrendered to her. The right hon. Gentleman the Under Secretary has to-night made use of a very remarkable expression, for he said we did not assume this Protectorate in a concrete fashion, but that our operations in this part of Africa were for the common good of the human race. It seems to me that to say we only go to Zanzibar on philanthropic considerations and for the good of the human race in general is hardly a thing worthy of consideration. It is said that we have trading rights over the German sphere of influence in East Africa. We had already trading rights over the German sphere of influence, but Germany has excluded British traders and caravans from that sphere and placed great obstacles in the way of our traders. The utility of our trade route has been made light of. Is it as useless as some seem to think? Before the Anglo-German Agreement was published, I stated that the Power becoming

possessed of this route would have the control of the inland trade, which has been valued at £15,000,000 a year, and I predicted that Germany would stand firm. Lord Salisbury has said that rather than give way Germany would have broken off the Agreement; but it must be remembered that we have trading rights secured by the Berlin Act of 1885, which, however, have been absolutely disregarded. They tried to ruin Mombassa. A South African told me that it was almost impossible for Englishmen to trade in Damaraland. In 1888 the Consul made a claim on the mines in Damaraland, saying that by the law of Germany the mines could only be owned and worked by German subjects. The Germans are bad neighbours, and their action in Africa has been marked by continued hostility to us, while we have been putting into their hands the sticks with which they beat us. We have meekly yielded to their aggressions, each concession having been the prelude to a fresh claim. With regard to the presence of the Germans in Uganda, Bishop Smythies writes—

"The result of the Germans coming has been that, after living safely among the people for 20 years, our relations with them becoming ever more friendly, we now see our work hindered, our lives possibly endangered, and our religion degraded, because we are now associated with violence and oppression. And all to what end?"

We may well ask to what end? And the answer is, the aggrandisement of Germany and the humiliation of England. We have allowed the Germans to extend in Damaraland, Namaqualand, across to the Zambesi, so that we cannot reach the fertile lands except through the German territory. It was proposed to construct a railway from the Victoria Falls to the Zambesi, the Portuguese having given a concession for that purpose. If it were made, unquestionably it would open up a valuable market in a highly fertile region. The hon. Member for Caithness hit the right nail on the head when he said that the arrangement was unfortunate at the present moment for the South African people, because we have allowed it to appear to the natives that another nation has taken advantage of us and is stronger than we are. If we wish to unite the white men in South Africa in a confederation with the Government of England, we must show that we are prepared to assert supremacy and power. The day of confederation will be postponed as long as Her Majesty's Government show that their policy is one of shuffling and retreat. No one can pretend that we have gained anything in South Africa, and we have gained nothing in East Africa to which we had not a right before. I do not think that anyone has attempted to assert that we have obtained a good bargain in Africa, and I do not see why concessions in Europe should have been added to our concessions in Africa. We must look at this South African question in the light of past history, and it is an unfortunate thing that to the African mind of late years we have always appeared in the light of surrendering something to somebody. A Union, under the headship of England, is now the dream and aspiration of South Africa. If Germany could have been induced to clear out of Damaraland and Namaqualand a great stride would have been made towards the realisation of that dream. Confederation will become easier in proportion as the over-mastering power and ruling capacity of England are felt and recognised; but as long as our policy is one of shuffle and surrender, so long shall we postpone the day of confederation. As it is, Germany has gained an extension of territory to the Congo, and absolute possession of the coast line, and she has only ceded regions none of which ever belonged to her, while we have only gained a resumption of our Protectorate over Zanzibar, which Germany boasts she can render valueless to us if so inclined. We have yet to know what we have to pay for Zanzibar. But if our bargain has been bad in Africa, what has it been in regard to Heligoland? In return for Heligoland I think the Government might have asked Germany to retire from these disputed portions of the African territory. It seems to me to be a most extraordinary thing in the negotiations for surrendering Heligoland that we should have said that the island was practically useless to us. No doubt it is valuable to Germany, but it was also valuable to us;

indeed, in the event of war with Germany the possession of Heligoland would be invaluable to this country. Its possession would have the full worth of a fleet to us, and this was the opinion of one of our greatest Admirals—Admiral Russell. A German paper — the *Hamburger Nachrichten*—says—

"England has always possessed in the island the means of keeping Germany strategically insecure, of indirectly molesting her, and of dangling before her eyes the great value of her friendship. Think of the *rôle* which Heligoland played in the wars of 1864 and 1870! Its possession, in short, gives us the command of the North Sea; the commerce of Hamburg will gain by its cession to us, for a blockade of the Elbe will now be an impossibility."

No doubt if we were to go to war with Germany the cession of Heligoland must add heavily to our responsibilities, because the attempt to blockade Hamburg and the mouth of the Elbe would be exceedingly difficult, dangerous, and expensive. I believe that Germany would have been willing to have given up much more than she has ceded for the possession of Heligoland. Its value to Germany is very great. It gives her an eye to see, and an arm to strike at Holland, Belgium, France, Russia, and Denmark. We do not want anything in Europe that Germany can give us; we are perfectly able to protect our own coasts. Would the friendship of Germany prevent Russia from attacking us in India, or France from harassing us in Egypt? Would it make negotiations with France easier in Newfoundland? It remains to be seen whether this would be the case, but, at all events, if friendship is worth anything it should be reciprocal, and Germany has shown very little reciprocity in this Agreement. She is anxious to take everything; we seem anxious to give everything. It was, I believe, the right hon. Gentleman the Member for Derby, and the right hon. Gentleman the Member for Newcastle, who said the other day that Heligoland was the tomb of Jingoism, and that in it were interred the principles of Lord Beaconsfield's foreign policy. I confess that, although I am not a Jingo, the policy so described had its good points as well as its faults. We must not forget that one of its fruits was peace with honour. Although the policy of the right hon. Gentleman the Member for Mid Lothian had its merits, one of its chief results was war with dishonour; and, for my part, I prefer the aggressive principles of Lord Beaconsfield's foreign policy, which shattered Zululand and reduced Afghanistan, to the moderate principles of the foreign policy of the right hon. Gentleman the Member for Mid Lothian, which dictated the disgraceful Transvaal surrender and the desertion of Gordon.

(10.30.) SIR LEWIS PELLY (Hackney, N.): The hon. Member for Mid Lanark is mistaken in saying that the Sultanah of Witu was awarded to us. It was the Port and Island of Lamu that was submitted to arbitration, and declared to belong neither to us or to Germany. Subsequently, the Sultan of Zanzibar handed Lamu to us. It is also a mistake to suppose that "Hinterland" has been given to Germany, but not to us. Our boundary line runs along the first parallel of South latitude, right across to Victoria Nyanza, and into the region South of Uganda, where it turns a little South and embraces the mountain Mfumbiro. It then continues West, until it strikes the frontier of the Free State of the Congo. Our "Hinterland," therefore, is reserved to us almost equally as well as the Hinterland of the Germans is kept for them. It is in vain to compare the position of political affairs on the East Coast of Africa, with a condition of affairs which obtained at some more or less remote date. I remember the coast of East Africa at a time when the word of a British Representative round the whole shore line of the Indian Ocean was law. Those days are gone. Then no foreign Power interfered with us. Now, other Powers have come in, and we have had to take our place with them. The question is, what was the position immediately before this Agreement was made? The East African Company, finding that Germany had declared a Protectorate over an immense region lying between the Rivers Jana and Juba to the North-

ward of the British sphere of influence, and thus finding themselves squeezed in, both to the South and North, by Germany, felt it would be impracticable for them to carry out the enterprise they had in hand. But the result of this Agreement is, that while the Germans surrender their Protectorate over that vast region, our influence reaches up to the northernmost tributary of the River Juba—thus increasing our shore line by 200 miles, giving us access to the river itself, and increasing our Hinterland until it strikes the frontier of the Congo Free State beyond Lake Albert Nyanza. I think we have no reason to complain of the provisions of this Agreement. On the contrary, it strikes me as being a measure that has been carried out with great tact, great patience, great skill, and great success. I believe I speak the opinions and feelings of those directly interested in the present political, commercial, geographical, and other interests in this region, when I say they are very much obliged to the Government for the manner in which the arrangement has been effected. We obtain the finest port by far on the coast and nearest to the British Empire in India. I allude, of course, to the Port of Mombassa. We obtain access to two great rivers and one inferior river—namely, the Juba—the Tana, and the Sabaki, and we obtain the nearest line of railway from the coast to Lake Victoria Nyanza. Those of us who are directly interested in the arrangement are quite satisfied with the advantages which the Government have secured for this country.

*(10.35.) MR. BRYCE (Aberdeen, S.): I do not propose to follow the hon. Gentleman who has just sat down into the question of the advantages that the Agreement will secure for the Royal East Africa Company, because it would be impossible to do so, unless you, Mr. Speaker, were to permit the innovation of the suspension of a gigantic map from the clock to the Bar. I think the satisfaction the hon. Member expresses will be qualified in the mind of the House by the knowledge that he represents the Royal East African Company. The complaint that has been made with regard to the delimitation of Eastern Africa is that the interests of England in other parts of Africa have not been sufficiently kept in view, and that valuable territories in the South, valuable lines of communication in the interior, have been surrendered in exchange for some hundred miles of arid coast. I do not propose to refer to the constitutional question arising out of this Bill for the cession of Heligoland, because that has been sufficiently dealt with earlier in the evening by my right hon. Friend the Member for Mid Lothian and my right hon. Friend the Member for Derby, further than to repeat the demand they made—that the Law Officers of the Crown should produce the precedents on which the Government rely for bringing in a Bill to ratify a Treaty for the cession of territory. One thing at least is clear, that although there have been many cessions of British territory in various parts of the world, none of these has yet been thought to need a statute to effect it. I desire, however, to call attention to the fact that the right hon. Gentleman the Chief Secretary for Ireland admitted the very doctrine for which my right hon. Friends contended, namely, that this is a constitutional change of great magnitude, and one that cannot help having its results in the future. The argument of the Chief Secretary goes to show that this will be no longer *res integra*, but that when the question of any other Treaty arises the Government will have to consider whether it should or should not embody it in a Bill and place it before Parliament. If any Members on this side of the House have not fully apprehended what is the ground on which we consider this a change of profound import, whether for good or for ill is a matter which I do not now inquire, let me remind them again that this is not a question of increasing the powers of the House of Commons in regard to the foreign policy, but of enlarging the powers of Parliament which includes another Chamber. Whatever power the House of Commons may have in future for rejecting a Bill will be, under this precedent, equally enjoyed by the House of Lords. The power given to the House of

Commons will be counterbalanced by the veto of the House of Lords. I hope if there is any authority for the course the Government have adopted in bringing in this Bill, the Law Officers of the Crown will not be slow to furnish us with it. As to the merits of this Agreement, I must frankly own that I cannot dissent from the view taken by Her Majesty's Government as to the small strategic value of Heligoland to us, seeing that for the 83 years during which it has been in our possession we have made no attempt whatever to fortify it. It has been said that notwithstanding that fact it would have been of great service to us in the event of our being involved in a war with Germany. I hope, however, it will not go forth from this House that there is any danger, or even a remote possibility, of our being involved in a war with that country, with whom we have for such a long period been on the terms of the greatest friendship. We have not been at war with Germany since the 13th century, and I think we may fairly hope that in no time we can contemplate now will any likelihood of such hostility arise. At the same time, it is only fair to say that by the possession of Heligoland we always held a trump card, which we could play whenever we desired to make a bargain with Germany, as it is well known that that country sets the highest value upon the island. There can be no doubt that in a war between Germany and any neighbouring Power the possession of Heligoland would be of great importance, and I think we may, therefore, say it was the duty of the Government to secure substantial advantages in return for it. I confess, however, that I cannot express myself equally favourable with regard to another point arising upon the Agreement. I think that we are entitled to hear from the Under Secretary some evidence as to the feeling of the people of Heligoland with regard to the cession. We should have evidence laid before us that the Heligolanders, if not in favour of it, are not opposed to it. No such evidence has been given. Not a single word has been said in this House, or in the House of Lords, to show that any steps whatever have been taken to ascertain the wishes of the people of Heligoland.

Mr. Bryce

The case before us is, no doubt, a small one. The population of the island is small, less than that of an average English parish, but as a precedent it is important. This is the first time that this country has established the precedent of handing over British subjects to another Power, as if they were cattle, without even ascertaining their wishes, much less obtaining their consent. I pass from that subject, having made this protest, and desire now to observe that we require a far stronger justification for the cession of the island than any yet offered. Such justification of the cession as has been made is to be found in the settlement of questions affecting Africa, and what we have to ask is, are the advantages which this country is to receive in Africa adequate compensation for the giving up to Germany of a possession which is to her of so much importance in Heligoland? I am anxious in what I say about Africa not to be misunderstood. I do not wish to be thought to give any countenance to the doctrines of African annexation and extension, doctrines which are not held on this side of the House, though they have found expression opposite. We have no more right to Africa than any other European Power. We have no right to any exceptional position of authority there. There was never a time when England, though she has much reason to be proud of the work of her discoverers, has formally founded upon that work any exclusive claim to the possession of the interior of tropical Africa. I am sure that there is no country which can so well spare something to other countries as can England. He would be a rash man who would ask us to undertake, with our existing colonial and foreign responsibilities, the task of reducing to order the gigantic territory of Equatorial Africa. Surely there is the greatest difference between the acquisition of land in temperate climates, into which our own people can overflow, and where their commercial genius can grow and flourish, as in Canada and Australia, and the acquisition of a tropical country, with unhealthy coasts and savage inhabitants, where enormous sums would have to be spent in laying the foundations of trade. Much has been said of trade to come;

but remember that is a distant and doubtful prospect, and between us and that prospect lies vast expenditure and the likelihood of sanguinary conflicts with native races. I should like to invite the attention of the House, also, to this consideration—that all these distant dominions, for which France, Portugal, Belgium, and Germany show an appetite, can only be held by the sea. While England holds command of the sea these possessions are virtually hostages. They are a pledge that if these countries quarrel with England, they place within the hands of England their communications with, and possibly even the ultimate ownership, of these outlying territories. I hope, therefore, that the House will not allow this prospect of enlarged territories in Africa to fascinate the imagination. Let us also remember that this Agreement with Germany gives us no additional direct rights over the soil and the inhabitants. It does not even infringe upon the rights possessed by any other European Power, except Germany. It is a simple Agreement between England and Germany that within certain limits they will not interfere one with the other. Do not let this Agreement be quoted as an Agreement for the sanction of annexation. For my part, I should have preferred an Agreement in the nature of a self-denying ordinance for East Africa, similar to that made for the Congo basin in West Africa. However, let us come to this Agreement, and examine it in the light in which Ministers present it to us as a bargain. So regarded, we shall find it to be a poor bargain. It constitutes no triumph for British diplomacy, and I do not think the Government can go to the country on the strength of it, and ask for a vote of confidence in their foreign policy. I had hoped to hear from the Under Secretary an acknowledgment of the very exceptional forbearance he has received from the Opposition by questions or Motions during the last four years. We have been extremely careful in not interfering with pending negotiations, lest any harm should be done, and the Government have been allowed greater scope than was allowed in the period from 1880 to 1885 to their predecessors. I want to ask whether the Government, having these exceptional advantages, have used them properly. I do not altogether disapprove of the general tone and line Lord Salisbury has taken, and, indeed, we have some reason to congratulate him upon having come over to the pacific views entertained on this side the House. The hon. Member for Whitby said that this is not an Agreement that Conservatives would have approved of in 1885. We agree heartily with him in that declaration. In the fact that it is wholly unlike the former attitude of the Tory Party consists the main virtue of the present Agreement. Let me briefly recall to the House some of the leading incidents in Lord Salisbury's conduct of foreign affairs. He began, in 1887, by withdrawing from Port Hamilton. That surrender was allowed to pass by the Tory Party because it came from their own leaders. It was a very proper act, and we took no exception to it. Next came the question of the New Hebrides, and the Government were obliged to buy out the French, who had no right whatever in the New Hebrides, by surrendering British rights over the Island of Raiatea. Next we had the question with regard to Germany and Samoa. Here the Government left the assertion of our rights, and those of poor King Malietoa, as against Germany to America, and all that has been gained is due to the efforts of the United States. It is not necessary to go over the points of surrender in the present Agreement as regards Africa. The hon. Member for Peckham (Mr. Baumann) has referred to the South West, the hon. Member for Caithness (Dr. Clark) has complained of neglect of the wishes of the people of Cape Colony, and the hon. Member for Whitby (Mr. Beckett) and the hon. Member for Lanarkshire (Mr. Philipps), in his able and vigorous speech, have condemned the whole Agreement from beginning to end. The defence on the points raised by these Members has been very imperfect. A settlement is always obtained by the Government by the simple process of always surrendering to their opponents. In point of fact, the Government have advanced no reason for the surrenders they have made in South Western and Central Africa, except that, when Germany asked it was much easier to submit than to stand

out and contest the point. Now, a few words upon Zanzibar. Zanzibar is a great trade emporium, and from it goods are distributed over all the adjoining parts of Africa. What I want to know is whether we are to understand that complete Free Trade is now secured between Zanzibar and the different ports of the mainland which is to become German. Is Germany to be prevented from establishing Custom Houses on the mainland, and from thereby destroying the commercial value of Zanzibar? That is a point on which no information has been given. Why, when this Agreement was being made, were steps not taken to have the whole area secured for Free Trade, carrying out thereby the provisions of that Berlin Act to which Germany was a party? If this has not been done it is a very serious omission and greatly reduces whatever value there is in the Agreement. Nothing has been said to explain why the Government consider Zanzibar of more value now than it was in 1886, when they virtually abandoned our interests there. It has been admitted that in 1886 Zanzibar was virtually under the control of this country. Sir John Kirk was virtually master of Zanzibar by the consent of the Sultan. The Sultan recognised in him a capable and upright adviser, and British ideas and policy were virtually supreme at that time. That was the case in 1886, when the Government of the right hon. Gentleman the Member for Mid Lothian quitted Office. Why was that position of advantage thrown away? If Zanzibar is as valuable as we are now told it is, surely our position there was well worth keeping. Why was Sir John Kirk recalled; why was his influence taken away and the place practically left for the Germans to do as they pleased in it. It seems to me we are simply buying back in 1890 a part, not by any means the whole, of what was thrown away in 1886, and that view is confirmed by the language the right hon. Gentleman the Under Secretary for Foreign Affairs has used. He said that we had not even now assumed in any practical sense the protectorate of Zanzibar; he said that a protectorate has not been taken in any concrete fashion.

Mr. Bryce

*SIR J. FERGUSSON: May I once more say I never used that word?

*MR. BRYCE: I took the right hon. Gentleman's words down at the moment, because they surprised me, and they were "in any concrete fashion." I can only suppose this Protectorate is an abstract Protectorate, and what is meant by that? What is the value of it? However, I do not wish to insist on any phrase which is repudiated, but to inquire what is meant by the language, the Under Secretary has used. Whatever value the Protectorate may have seems to be still further reduced by the fact that it is subject to the consent of France. I should be sorry to say a word which would hamper the Government in the negotiations with France; but when we find that what we have got from Germany has been got subject to the consent of another Power, and we do not yet know what that other Power is going to propose as to the terms of its consent, it is clear we have not got the whole matter before us. We do not yet know what the demands of France are, and we do not know what terms are going to be made with Portugal as regards her claims on the Zambesi, claims very material to the use that can be made of the Nyassa region. Altogether, therefore, the House is asked to sanction that of which we cannot yet say whether it will turn out to be a benefit or not. It would have been more satisfactory if the Government had been more candid. Why did they not tell us, in the first instance, that France had to be consulted? Looking at all these points, if I am asked whether this Agreement is a good bargain, and one that reflects credit on Her Majesty's Government, the answer cannot be in the affirmative. If the Government are going to the country and claiming to counterbalance the defects of their domestic policy by the skill with which they have conducted foreign policy, it is the duty of the Opposition to put on record its opinion that their conduct of foreign policy has not been successful, and that in this matter they have not shown themselves skilful in making a bargain. It is true the Opposition have no intention to vote against this Agree-

ment, not because, though "willing to wound, we are yet afraid to strike." On any fitting occasion I hope we shall always be ready to record our opinion on questions of foreign policy, just as upon questions of domestic policy. It is sometimes the duty of an Opposition to denounce and resist a Ministry which is pursuing a dangerous course abroad, and so we did denounce and resist Lord Beaconsfield and Lord Salisbury from 1876 to 1879. In this instance, however, opposition, though it might injure the Ministry, would not necessarily correct what has been done amiss. We, therefore, do not propose to divide against the present Agreement, because we feel that when an Agreement such as this has been made the position of things has been vitally altered, and that it is not possible to go back to the state of things which existed before the negotiations began. The Agreement may be faulty, and yet the injury to national interests from rejecting it may be greater than those which an acceptance of it could involve. I admit that some arrangement was needful, looking to the jealousies of competition and the danger even of conflict between the pioneers of England and the pioneers of Germany in East Africa, and I think Lord Salisbury was well advised in being anxious to put an end to the difficulties of the situation. I think that we must also feel that the rejection of this Agreement would mean some ill-feeling on the part of Germany. She has come to feel that Heligoland is by this time virtually hers, and to take it back once it has come almost within her grasp would be regarded as an unfriendly act. And we ought to be friendly with Germany, with which we are connected by the ties of blood and of religion, and with which we have had no national hostilities for many centuries. Therefore, without at all desiring that we should have any exclusive alliance with any Power, we must on both sides of the House welcome and approve the desire which Lord Salisbury has shown to live at peace with Germany, even though we may think that he has given far more to her than she had any title to claim. From what has passed this evening we have seen that there is a good deal of discontent among the Conservative Party as to this Agreement, and the Liberal Party might, had they given vigorous opposition to it, have reduced the Government majority to a point which would seriously injure their authority in the country. I hope, however, that hon. Members opposite will give us credit for never having had any such intention. We have felt that there are far higher interests and duties in matters of foreign policy than those connected with Party, and that there in this case are interests involved which may determine the future of colonisation in Africa for centuries to come, and we feel that the rejection of this Agreement might lead not only to ill-feeling on the part of Germany, but to a general scramble amongst other European Powers for territory in Africa. Therefore, although mere Party motives might have prompted a different course, and although we may feel that the conduct of the Government has not been marked by as much skill or judgment as we could have wished, nevertheless, in the interests of the country at large, we feel bound to allow the Agreement to be ratified.

MR. CUNINGHAME GRAHAM (Lanark, N.W.): Why?

*MR. BRYCE: Because far greater evils might follow from its rejection than are likely to follow from its acceptance. One evil might be the growth of a bitter and angry spirit with Germany.

MR. CUNINGHAME GRAHAM: How about France?

*MR. BRYCE: I do not see that our position is made worse with regard to France by this Agreement. We desire to be friendly with France also; and there is nothing in the substance of the Agreement arrived at, though the manner of introducing it might have been more courteous. Its rejection might aggravate the condition of the inhabitants and retard the measures being now taken for the extinction of the Slave Trade. Therefore, whilst retaining the opinion I have stated as to the character of the Agreement, I must feel that, upon the balance of loss and gain, the advantage of accepting it is greater than anything to be gained by moving its rejection.

*(11.16.) THE ATTORNEY GENERAL (Sir. R. WEBSTER, Isle of Wight): I do not wish to detain the House at any length, as we are all anxious that a Division should be taken to-night, but I should be wanting in courtesy to the right hon. Gentleman the Member for Mid Lothian and the right hon. Gentleman the Member for Derby, and also the hon. Gentleman who has just sat down, and others who have made appeals to me, if I did not make some reply to their challenges. It is a little difficult quite to understand for what section of the House the hon. Gentleman who has just sat down spoke, because if we contrast his observations with the tone of the right hon. Gentleman the Member for Mid Lothian, it is difficult to conceive that the two speakers were in accord. In his most interesting speech the right hon. Gentleman the Member for Mid Lothian began by stating that he must congratulate Lord Salisbury not only upon the spirit in which he had entered into the Agreement, but also on the terms of it, and he devoted the greater part of his speech to the constitutional question, without making any severe criticisms on the terms of the Agreement itself.

*MR. BRYCE: My recollection of the right hon. Gentleman's speech is quite different. The right hon. Gentleman referred to the ungrudging spirit in which Lord Salisbury had entered into the Agreement, but I did not understand him to express approval of the Agreement in its details.

*SIR R. WEBSTER: I will not enter into a controversy with the hon. Gentleman, but I listened to every word the right hon. Gentleman the Member for Mid Lothian spoke, and I certainly failed to hear any real criticism or expression disapproving of any of the terms of the Agreement, though, perhaps, that was intended to be part of the unspoken criticism. All I wish to convey to the House is the impression which reached my mind. I now propose to deal with the constitutional question. We were told by the right hon. Gentleman the Member for Derby, among others, that there never has been any difference of opinion on this question, and that no person whose opinion is worth quoting has ever expressed any sanction of the policy pursued by Her Majesty's Government in advising Her Majesty to insert in the Treaty that the cession of Heligoland should be subject to the assent of the British Parliament. Some caustic observations were made on the speech of the Chancellor of the Exchequer by the right hon. Gentleman the Member for Derby, who complained that the Chancellor of the Exchequer did not produce precedent after precedent to the House. I confess I thought that that argument came with little grace from a speaker who must admit that not the slightest notice was given to any Member of Her Majesty's Government that this point was to be raised. Of course, it is the duty of the Opposition so to conduct opposition as to embarrass the Government; but I must point out that it is somewhat ungenerous to the Chancellor of the Exchequer to twit him with not being prepared with chapter and verse on the spur of the moment, especially when in the most interesting Debate in the House of Lords there was no allusion, direct or indirect, to this point, although such high authorities as Lord Rosebery, Earl Granville, and others, took part in that Debate. What has been the excuse for this? I think that the Colleagues of the right hon. Gentleman the Member for Derby in the House of Lords will be somewhat surprised to hear it. The right hon. Gentleman said, "Of course they did not raise the point, because it did not suit the House of Lords," suggesting that they were willing to extend their own power even at the risk of sacrificing the privileges of the Crown. I venture to think that Lord Herschell, Lord Rosebery, Lord Granville, and Lord Kimberley, hardly deserve such treatment at the hands of the right hon. Gentleman. Before this point was put with such great confidence it would have been well if the right hon. Gentleman had extended his researches to a little later period than that of Lord Thurlow and Lord Loughborough. The hon and learned Member for Stockton (Sir H. Davey) and the right hon. Gentleman the Member for Derby fell foul of my right hon. Friend the Chief Secretary because he did not produce and read the opinions to which he referred. Well, no one knows better than they that while my right hon. Friend was right in pointing out

that it is not correct to say that no one of any position expressed any doubt on this matter, yet my right hon. Friend would have been wrong to produce opinions which would have disclosed negotiations on other matters perfectly well known to Her Majesty's advisers at that time. But I can give the right hon. Gentleman the weighty opinion he desires. In 1870 there arose an important question respecting the cession of the Gambia to the Emperor of the French. Questions were asked in the House as to whether negotiations with a view to the transfer had taken place, and whether it could take place without the consent of Parliament. I may remark at this point that the European population of the Gambia at that time was 39 males and 18 females. In answer to questions by Mr. R. Fowler—now Sir R. Fowler—and Sir John Hay, the right hon. Gentleman the Member for Mid Lothian said—

"That his impressson was that such an arrangement could not be carried out without the consent of Parliament. He could not answer positively, but such was his impression and belief."

A little later the right hon. Gentleman added to what he had already said with reference to the power of the Government—

"That there had never been the slightest intention of taking any proceedings of the kind without the consent of Parliament."

If modern history is searched, it will be found that proposals were made for the cession of the Gambia to France, though they were not carried out.

SIR W. HARCOURT: But not by Bill.

*SIR R. WEBSTER: The proposal was one to obtain the sanction of Parliament by Bill. This is not the first time that the question has been raised. There was a Debate in 1854 on a proposal to cede the Orange River Free Territory, and a Motion was actually moved that an Address be presented to Her Majesty praying her to re-consider the proposal for the abandonment of her sovereignty over the Orange River. The opinions of Sir Roundell Palmer and Mr. Wills were read to the House, stating that the territory having been fully recognised as a colony, the Crown could not, by virtue of its prerogative, constitute any branch of its subjects into an independent State, and could not, without the consent of Parliament, cede its sovereignty over that territory, and much less over any of its subjects. I strongly protest against the assumption of the right hon. Gentleman the Member for Derby that nobody whose opinion is worth anything has ever expressed the views which have, on this occasion, actuated Her Majesty's Government. In the Debate of 1854 speeches were delivered by the late Lord Chief Justice Cockburn and Sir Frederick Thesiger, which proves that most weighty opinions were expressed on both sides. It is clear that Sir Roundell Palmer looked on the matter as one which required to be carefully considered, for he spoke as follows:—

"When British subjects have settled in newly discovered territories they carry with them the laws of this country. In that case cession cannot take place without the consent of Parliament. In the case of conquered or ceded countries, if Parliament had legislated concerning them, then the concurrence of Parliament might be necessary."

The consent of Parliament which is there implied is not a consent to approve the transaction or turn out the Ministry of the day; but a consent to make the cession operative. I contend that there is no change whatever in the Constitution involved by the procedure of the Government. It is a question of its being in the power of the Crown to act in one way or the other, there being undoubtedly more than one method open. It has been assumed that there has been no legislation for Heligoland. But there have been Orders in Council founded upon general Statutes, and I can well understand that if it had suited the purpose of the right hon. Gentlemen opposite, and we had proposed to proceed by Royal prerogative, they would have founded a strong argument against action being taken without the assent of Parliament. There is no change in the Constitution involved in this mode of procedure. It is a question of its being in the power of the Crown to act in one way or the other, there being undoubtedly more than one method open. I do not contest the right

of the Crown to cede territory without the consent of Parliament, when the nature of the negotiations or of the interests involved render it desirable to proceed in that way, but the fact that the prerogative of the Crown has sometimes been exercised in that way does not preclude the Crown from proceeding in the other way when it appears expedient. The right hon. Gentleman (Sir W. Harcourt) cannot shake the argument away by shaking his head. I challenge the right. hon. Gentleman to show by instances that when the Crown elected to act in one of two ways the other mode of action ceased to be within the prerogative. If in the case of financial and commercial Treaties it is not un-constitutional to ask the consent of the House it cannot be suggested that it is wrong in a case of this kind. Nobody can say it is un-constitutional to ask the consent of Parliament in a case where there may be other considerations which may come into play and lead Her Majesty's Government to hold their hand. Her Majesty's Government are prepared to advise Her Majesty to assent to the Treaty, believing that its terms are for the interests of the nation, but which they are ready to subject to the criticism and judgment of the House of Commons. It has been argued by Members on either side of the House that the conduct of the Government in allowing Germany to extend her Protectorate over Damaraland and Namaqualand is such as cannot be approved, and the hon. Member for Aberdeen has said no reason for their action has been given by Her Majesty's Government. But it is conceded that in 1884, by the action of the then advisers of Her Majesty, which we may regret, but cannot do more, Germany was allowed to assume the Protectorate over Damaraland and Namaqualand. That being the case do hon. Members suggest that the Government ought to contest the matter hostilely with Germany? I venture to think that if that had been the spirit in which the negotiations had been carried on, they would not have deserved the encomiums of the right hon. Gentleman the Member for Mid Lothian. It is necessary to conduct the negotiations on the basis of the existing state of things, and in accordance with the action of the Government of 1884, for in these matters of foreign policy there must be continuity.

*Mr. BRYCE: I said no reason had been given for the extension as far as Victoria Falls and the Zambesi.

*Sir R. WEBSTER: It is based upon the arrangement made in 1884. With respect to Uganda it has been said that the Government have not acted with wisdom, because the Protectorate of Great Britain was recognised there long before the advent of the Germans in that part of Africa. My information does not lead me to that conclusion, but to the conclusion that grave questions certainly exist as to the extent of the recognition accorded to the British Protectorate, and as to the limits within which German influence prevails. What is the alternative policy that is proposed? Is there to be a steeplechase, or rather go-as-you-please contest in Africa? Is each nation to struggle to get what it can, the interests of the natives suffering in consequence? For my part, I believe that it is far wiser to negotiate in a conciliatory and friendly spirit with the Powers likely to colonise, and to fix our limits of influence once for all in order to avoid contentions and disputes in future. The House has heard criticisms of the arrangements made by the Government from Gentlemen on both sides of the House, some of whom are, perhaps, not quite impartial, being connected possibly with companies which have been disappointed, or companies which have been gratified. I confess it is a satisfaction to me to notice that in the speeches of the right hon. Gentleman the Member for Mid Lothian and the right hon. Gentleman the Member for Derby there was very little tangible argument against the Agreement. They rode off, in fact, on the so-called great constitutional question, and I hope I have shown to the House that that point does not deserve the importance assigned to it. When this matter comes to be canvassed I think the House and the country will be of opinion that Her Majesty's Government have reason to be proud of the arrangement they have

made. The hon. Member for Aberdeen said the reason why success has attended the Government in foreign matters is not because the policy of Lord Salisbury is altogether approved of, but because the Opposition have been so indulgent as to foreign matters.

*MR. BRYCE: I did not make any such large claim. I said that the Government of Lord Salisbury had had an advantage in their foreign policy which previous Liberal Governments did not enjoy: they had not been constantly questioned and worried.

*SIR R. WEBSTER: I think, however, that if Her Majesty's Government had been discredited there are gentlemen on the opposite side of the House who would not have failed to avail themselves of the opportunity. The right hon. Gentleman the Member for Mid Lothian has over and over again said that he has no fault to find with the foreign policy of Her Majesty's Government, therefore I think it has not come with very good grace from the hon. Gentleman the Member for Aberdeen to attribute the success of Her Majesty's Government in foreign matters to want of interference on the part of the Opposition. I hope I have now sufficiently dealt with the points raised. I submit to the House that this is an instance of an Agreement conducted and carried through in no selfish spirit, with no desire to grab or get for Great Britain anything to which she is not entitled—an Agreement which, I believe, will be to the future advantage of both countries, and which Her Majesty's Government do not desire to carry through simply by virtue of the prerogative, but which they are by no means ashamed to submit to the judgment of the House and the country.

*(11.45.) MR. MUNRO FERGUSON (Leith, &c.): The hon. and learned Gentleman takes shelter from many disagreeable arguments behind the approval of the right hon. Gentleman the Member for Mid Lothian. Our contention and our complaint is that there has been no *quid pro quo* for the cession of Heligoland. We also complain that it was only by process of time that we were able to discover what the Agreement with regard to Damaraland was, the two maps published presenting a very different appearance. Lord Salisbury said Heligoland was to be taken as equivalent for Zanzibar. All Great Britain seems to get is a Protectorate over Zanzibar and Pemba, a territory under the rule of a native chief, which will make our responsibilities there of a very difficult character, while the Germans receive in freehold a coast line of 600 miles. It was some time before we discovered what the Sultanate of Zanzibar means. Lord Kimberley, when he asked a question in another place, was informed that a Sultanate bore the same relation to a Sultan as a monarchy to a monarch, but subsequently we come to the information that the Sultanate was restricted to the two islands, and did not include the 600 miles of coast line. Was not this sufficient concession without throwing Heligoland into the pot? Heligoland should not have been ceded except as an equivalent for Damaraland. Not even yet have we had an answer to the question whether the Germans can restrict our trade by the establishment of Custom-houses on German territory. For the last 100 years we have traded supreme in districts now held to be within the German sphere of influence on a continent where, seven years ago, Germany did not possess a square foot of territory. The Under Secretary has referred to the state of matters at Zanzibar, when that great man, Sir John Kirk, was there, and we have never been told why he was recalled or why the system, which was much more to the interests of this country. A virtual Protectorate without the actual responsibility entailed by this new system was abandoned. Much as we value a good understanding with Germany, and little as we desire to embark in landgrabbing in Africa, I do not think that Her

Majesty's Government will have much cause for congratulation over this Agreement.

(11.51.) Mr. W. H. SMITH rose in his place, and claimed to move, "That the Question be now put."

*MR. SPEAKER: The Debate has opened a grave and important constitutional question, the discussion of which occupied the earlier portion of the Debate. The second part of the subject can scarcely be said to have been adequately discusssd. I hope the House will allow the Debate to proceed.

Debate adjourned till to-morrow.

(11.53.) PUBLIC WORKS LOAN BILL.

(No. 389.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1.

(11.55.) MR. SEXTON (Belfast, W.): I have pointed out that among the 16 Gentleman named there is no Irish Representative, and I gather from the speech of the Chancellor of the Exchequer that he is not unwilling to amend a flagrant omission, and, therefore, I move the first of two names of which I have given notice, that of Mr. Thomas Redington. He is a gentleman well-known, Deputy Lieutenant of the County of Galway, a member of the Royal Commission on Piers and Harbours, and in every way fnlly qualified.

Amendment proposed, in page 1, line 27, after the word "esquire," to insert the words "Christopher Thomas Redington, esquire."

Question proposed, "That the words 'Christopher Thomas Redington, esquire,' be there inserted."

(11.57.) THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): It is impossible for me now to accept a name at such short notice. There has been no time for me to consider the point or to communicate with other gentlemen whose names have been suggested. It would be necessary also to communicate with the gentleman nominated.

MR. SEXTON: The right hon. Gentleman has given no intelligible reason for refusing the Amendment. As soon as the Bill was printed, and I had the opportunity of examining it, I gave notice of my Amendment. The right hon. Gentleman has not said a word, nor I suppose does he find himself able to say a word, against the gentleman I have named. His qualifications must be, I think, known to the Chief Secretary. I shall feel it my duty to press both names to a Division.

MR. GOSCHEN: I am sorry that the hon. Gentleman thinks it necessary to press the point. I have no information from the gentleman himself as to his willingness to serve. I have no doubt he is well qualified, but I would ask the hon. Member not to press the matter now. I do not know how far it is desirable that names should be added, but I cannot accept the Motion now, and the hon. Member, if he insists, may prejudice his own case and create a false impression.

MR. STOREY (Sunderland): I think, Sir——

It being Midnight, the Chairman left the Chair to make his Report to the House.

Committee report Progress; to sit again up on Monday next.

SUPPLY—REPORT.

Resolution [17th July] reported. (See page 103.)

(12.1.) MR. CONYBEARE (Cornwall, Camborne): On this Resolution I do not intend to make any lengthened remarks, but I wish to ask the Chief Secretary whether an opportunity will be afforded me on one of these Votes to make certain remarks which I think I have a right to make with regard to certain affairs in Ireland?

(12.2.) THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I do not understand that the hon. Member has any special observations to

make on this Vote. I think he desires to speak on the Prisons Vote.

MR. CONYBEARE: I think I should have a right to speak on the Resident Magistrates Vote, but I will forego that right on the assurance that I shall have an opportunity of speaking on the Prisons Vote.

MR. A. J. BALFOUR: Certainly, but we do not pledge ourselves to stop business at an earlier hour than usual for the purpose.

(12.3.) MR. SEXTON (Belfast, W.): I wish to draw attention to a charge delivered in Ireland by the Lord Chief Baron, for it has an important bearing on the salaries of the Resident Magistrates in connection with this Vote. His Lordship declared that any one in Ireland had a perfect right to refuse to deal with any other person, or any combination of persons had a right to refuse to do so, provided the combination was voluntary, and not for a malicious purpose. During the last three years the Resident Magistrates in Ireland have repeatedly sent persons to gaol for acts of the very kind which the Lord Chief Baron now declares to be legal. I would therefore ask the Chief Secretary to take steps to inform the Resident Magistrates that many of the sentences they have passed in the time stated have been illegal, and also that they have no right to send any one to prison who, individually or in combination, refuses to deal with any other person or persons, unless it is shown that the combination is obtained by duress or is for malicious purposes.

(12.6.) MR. A. J. BALFOUR: The charge of the Lord Chief Baron to which the hon. Member has referred will be brought under the notice of the Resident Magistrates of Ireland. But I must not be understood to endorse the inference drawn by the hon. Member from the remarks of the Chief Baron.

(12.7.) DR. TANNER (Cork Co., Mid.): I wish to ask the Chief Secretary if he will take notice of the grave and scandalous charges against Mr. Gardiner, who holds a judicial position in the City of Cork? One of those charges is a charge of seduction of the worst possible kind, and I want the right hon. Gentleman to consider whether or not Mr. Gardiner is worthy to continue to exercise the functions of a Resident Magistrate in the city from which I have the honor to come.

Resolution agreed to.

SUPPLY—REPORT.

Resolutions [18th July] reported.

First Resolution (see page 229) postponed.

Second Resolution (see page 275):—

(12.9.) MR. W. P. SINCLAIR (Falkirk, &c.): I wish to draw the attention of the House to one matter in connection with this Vote. The question of national education in Ireland did not receive any attention whatever from the House during the fortnight the Irish Estimates were discussed. The particular point to which I wish to draw attention is that there has been a complete change in the curriculum of the education of girls; a new departure has been taken, and I think that change ought not to be passed over without notice by Parliament. According to the new departure, when girls have passed the Fifth Standard they are to be deprived of all further intellectual training, and to devote the remainder of their school life to "industrial work," which means needlework. Up to the present the adoption of this rule has only been optional, but now it is proposed to make it obligatory. I think the change should not be enforced, because I believe it will have a very injurious effect on the future of those girls, and will tend to swell the already overcrowded ranks of sempstresses. I hope the House will express in some way its desire that the training of the womanhood of Ireland shall continue on the same lines as in the past, and that consequently this new departure will not be sanctioned.

(12.19.) COLONEL NOLAN (Galway, N.): I only wish to say that I disagree with everything that has fallen from

the hon. Member on this subject. I know a parish where the girls, thanks to instruction in needlework, have been able to contribute materially to the support of their homes. I hope the Chief Secretary will do something for boys also, by giving them some teaching in agriculture.

(12.20.) MR. MACARTNEY (Antrim, S.): I also differ from the hon. Member. Nothing better could be done for Ireland than to give young girls a training which will fit them to be good housekeepers and wives.

(12.21.) MR. A. J. BALFOUR: I believe that the National School Commissioners never reject any representation made by a school manager to relax the rule in favour of his particular school. There is therefore a large elasticity in the working of the rule that will prevent any evil results arising from it. If a manager thinks that the education in his school is prejudicially affected by these regulations, he has only to make a representation to the Board of National Education, and his application will be considered. The rule has worked well in the past, and I hope it will continue to do so in the future.

Resolution agreed to.

Subsequent Resolutions (see page 275) agreed to.

Postponed Resolution to be considered to-morrow.

POSTAGE RATES BILL.—(No. 302.)

Order for Second Reading read, and discharged.

Bill withdrawn.

LIFE AND PROPERTY PROTECTION BILL.—(No. 277.)

Motion made, and Question proposed, "That the Bill be now read a second time."

THE SOLICITOR GENERAL (Sir E. CLARKE, Plymouth): In assenting to the Second Reading of this Bill I have simply to state that the Government cannot give its assent to all the provisions it contains.

MR. CONYBEARE: I should like to ask whether the Government propose to give their sanction and approval to the extraordinary doctrines enunciated in this Bill. If so, I think that that is a proceeding which does not redound to the credit of the Government, and that we ought to take exception to it.

*MR. SPEAKER: If the hon. Gentleman objects to the Bill it cannot be further proceeded with at the present moment.

Question put, and agreed to.

Bill read a second time, and committed for Thursday next.

BUSINESS OF THE HOUSE.

On the Motion for Adjournment:—

*SIR J. SWINBURNE (Staffordshire, Lichfield): May I be allowed to ask when the Post Office Estimates will be brought on again? Hon. Members are kept here awaiting their discussion, and it would promote their convenience if the Government would fix some definite time for the further discussion of these Estimates.

*THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): This is a matter in which the Government propose and the House disposes. I think, however, the Post Office Estimates will be taken immediately on the conclusion of the discussion of the Heligoland Bill.

SIR W. LAWSON (Cumberland, Cockermouth): I should like to have some statement from the Government as to when the Local Taxation Bill will be taken. Is there any intention of bringing it on to-morrow; and, if not, when will it come on?

*MR. JACKSON: It will not be taken to-morrow.

House adjourned at twenty-five minutes before One o'clock.

HOUSE OF LORDS,

Friday, 25th July, 1890.

COMMISSION.

The following Bills received the Royal Assent:—

Consolidated Fund (No. 2).
Open Spaces.
Working Classes Dwellings.
Trustees Appointments.
Orchards Rating Exemption.
Superannuation (War Department).
Education Code (1890).
Deeds of Arrangement.
Inland Revenue Regulation.
Public Health (Scotland) Act, 1867, Amendment.
Court of Chancery of Lancaster.
Barracks.
Western Australia Constitution.
Colonial Courts of Admiralty.
Intestates Estates.
Registration of Voters (Borough of Belfast).

And a number of Private Bills.

METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT BILL.—(No. 168.)

Report from the Committee of Selection, That the Earl of Aylesford be proposed to the House as a Member of the Select Committee on the said Bills in the place of the Marquess of Abercorn (*D. Abercorn*); read, and agreed to.

ALDERSHOT ROADS BILL.—(No. 219.)

The order made yesterday for the commitment of the Bill to a Committee of the whole House, discharged.

CHILDREN'S LIFE INSURANCE BILL. (No. 97.)

Report from the Select Committee (with the Proceedings of the Committee, and Appendices) made, and to be printed. (No. 225.) Minutes of Evidence laid upon the Table, and to be delivered out.

CENSUS (ENGLAND AND WALES) BILL.

Brought from the Commons; read 1ª, and to be printed.—(No. 226.)

CENSUS (SCOTLAND) BILL.

Brought from the Commons; read 1ª, and to be printed.—(No. 227.)

REMOVAL TERMS (SCOTLAND) ACT, 1886, AMENDMENT BILL.—(No. 206.)

Reported from the Standing Committee for General Bills, with Amendments; the Report thereof received; and Bill re-committed to a Committee of the Whole House on Monday next.

MERCHANT SHIPPING — SUNDAY LABOUR AT HONG KONG AND SINGAPORE.

QUESTION—OBSERVATIONS.

*THE EARL OF MEATH, in rising to ask Her Majesty's Government whether their attention has been called to the following remarks made by Admiral His Royal Highness the Duke of Edinburgh, at the annual meeting of "Missions to Seamen" Society, held at the Mansion House, on 28th April:—

> "The Report also complains that in some ports abroad, and in Crown Colonies, especially Hong Kong and Singapore, the crews are compelled to do unnecessary work in transhipping cargoes on Sundays, which causes much discontent and discomfort to the men, and puts a stop to all religious observances, whereas in the Australian and self-governing Colonies such unnecessary working of cargoes is rigidly forbidden.
>
> "I understand that the Secretary of State for the Colonies has called the attention of some Colonial Governors to this grievance of seamen."

And whether the practice complained of has been prohibited, so that seamen may enjoy their Sunday rest in port in common with other of Her Majesty's subjects, said: My Lords, I hold in my hand a paper which contains the names of certain steamers, together with the names of the owners, which were wharfed at a single wharf at Hong Kong on the Sundays between March the 17th, 1889, and March the 25th, 1890, and all those steamers, I am informed, worked cargo without exception on those Sundays. The firms to which the vessels belonged were Macgregor, Gaw, and Co., of the Glen Line, who worked 13 ships on 13 Sundays; D. Jenkins and Co., eight ships on eight Sundays; The Peninsular and Oriental Steamship Company, 13 ships on 13 Sundays; The China Mutual Shippers' Steam Navigation Company, five ships on five Sundays; The Union Line, Sandilands, four ships on four Sundays; Gellatley, Sewell, and Co., four ships on four Sundays; the British India Steam

Navigation Company, six ships on six Sundays: the Ben Line, four ships on four Sundays; miscellaneous, five ships on five Sundays; making a total altogether of 62 ships on which cargo was worked at one wharf in the Crown colony of Hong Kong during that period. Of course, there were other wharves occupied, and, no doubt, a similar number of vessels were engaged there in transhipping to those which I have mentioned as being employed at this particular wharf. I understand that the same thing is going on in other Crown colonies. I am informed that there are 120,000 seamen in the year who pass through the port of Hong Kong; consequently, it would appear as if a large proportion of those 120,000 seamen were not permitted to have the Sunday's rest which most working men in this country claim a right to. Now, I am not going to argue this question upon moral and religious grounds, although a great deal might be said upon those grounds, but I am going to argue this question upon the right of every working man to have one day in seven of rest, the right which he has asserted in this country for a long time, and which is almost universally accorded to him. I cannot see why, because a man is a seaman, and because he goes to a foreign port, or a port in one of our Crown colonies, that he should be deprived of the rest which he would have if he went to Australia. For instance, in Australia Sunday labour is forbidden, and why is it forbidden? It is because there the working men themselves have a vote, and they accordingly make their influence felt. But in a Crown colony that is not the case. The Governor, of course, if he desires to obtain support from anybody, goes naturally to the Chamber of Commerce; but the Chamber of Commerce is composed of employers, and employers are not so anxious as they ought to be in many cases that workmen should have a day's rest. I hold that Her Majesty's Government cannot say that they are not responsible for this state of things. If this were a self-governing colony, they might say that in a self-governing colony, of course, the vote of the working people — of the mass of the population—has to be considered; but there is no working population in this Crown colony which has a vote; and, therefore, I hold it is the duty of Her Majesty's Government to see that no injustice is put upon the working classes in these colonies, which are under their care. I am not one of those Sabbatarians who think that under no circumstances should work be performed upon a Sunday; but I do say this, that there should be shown some great necessity before work is carried out on a Sunday, and I cannot understand why this should be done by these steamship companies, some of whom send their vessels to Australia, because when their vessels get to Australia they manage to carry on their work during the working days of the week, and yet when they go to a Crown colony like Hong Kong they profess to be unable to do that, and allege that they are obliged to work their men on Sundays. The actual state of the case is this: that in the Treaty Ports of China work is forbidden on Sundays, but in our own ports it is permitted. Now, I consider that is a scandal; and the result is that if a shipowner desires to give his seamen rest upon a Sunday at Hong Kong he finds himself at a great disadvantage. But there are some shipowners who are courageous enough to do it. Mr. Laing, of Sunderland, a steam ship owner, when one of his vessels was at Hong Kong last refused to allow his men to work on Sunday, and he thus put himself to great disadvantage. I do not think it is fair that those shipowners who do their duty towards their men should be put at a disadvantage because other shipowners work their men upon every day in the week. My Lords, I do not intend to ask now for Papers, but unless some satisfactory reply is given me, I intend next Session to move again in this matter, and to ask for a Return of Papers, giving the names of the companies and employers who work their men on Sundays, the names of the ships, and the number of Sundays upon which the men are employed in Sunday labour.

THE SECRETARY OF STATE FOR THE COLONIES (Lord KNUTSFORD): My Lords, my attention has been called to the remarks of his Royal Highness the Duke of Edinburgh to which the noble Earl has referred, but the question was brought under my notice last year when I received a letter from the Rev. Mr. Bowyer, who has taken great interest

in this subject, and I at once communicated the contents of that letter to the Governors of Hong Kong and the Straits Settlements at Singapore, and asked them to report upon the matter. The Governor of Hong Kong expressed his desire to see Sunday labour diminished at the docks and wharves of that port, but, after full inquiry into the subject and consideration of the difficulties of compulsory legislation, he came to the conclusion that such compulsory legislation on the Sunday labour question was not desirable, and, although I am not prepared to assent to all the Governor's reasons which he advanced in support of that decision, I regret to say that I am obliged to concur in the decision myself. The same decision was arrived at by the Governor of the Straits Settlements, who expressed himself very warmly in sympathy with the desire of those who wished to see Sunday labour diminished. He has himself taken steps towards diminishing Sunday labour, because in all Government contracts a provision is now inserted that work under those contracts shall not be carried on on Sunday, except in very urgent cases and under special authority. But after communicating with the Chambers of Commerce, the leading merchants, and the unofficial members of the Council, who represent the communities in these Crown colonies, the Governor of the Straits Settlements came to the same conclusion as that arrived at by the Governor of Hong Kong, that compulsory legislation was not desirable. The answers that were received by him from the Chambers of Commerce and the leading merchants were certainly not of an encouraging nature. I took the opportunity of consulting both these Governors when they were in England on leave, in order to ascertain whether any compromise could be effected, whether there was any kind of legislation which could be introduced which would diminish this Sunday labour, but I regret to say that I found no compromise was possible. I am distinctly opposed to compulsory legislation on this point, that is to say, forcing against the views of the unofficial members legislation by an official vote. The case of Australia, which has been referred to, is very different. In the first place, as in other colonies where there is a Custom-house, Sunday labour can be prevented indirectly by closing the Custom-house, but in Hong Kong and Singapore Custom-houses do not exist. I am not aware—though I may be wrong in this—that in Australia any Act prohibiting Sunday labour is in force. The working men themselves have declined to work on Sunday, and have thereby indirectly secured for themselves freedom from work on that day, but I am not aware that there is any compulsory or direct legislation on the point. The Colonial Governors will do all they can to discourage Sunday labour, but I do not think anything can be done in this particular branch of labour unless it can be obtained by the voluntary unanimity upon the subject of the members of the Chambers of Commerce and the leading merchants in the colonies, and also of the leading merchants here who have partners or agents in the colonies. In that way pressure may be put upon the Local Legislatures, and ultimately some measure may be introduced which will put an end to Sunday labour at the docks and wharves in these colonies. But at present I am bound to say I do not think there is that feeling in the colonies which would justify compulsory legislation.

THE EARL OF HARROWBY: My Lords, I think we are greatly obliged to the noble Earl for calling attention to this matter, which I think your Lordships will agree is one of no slight importance. I think we all agree that in cases of emergency we should not stand in the way of Sunday labour, but this is a matter which we are told affects 120,000 seamen at Hong Kong, and a very large number also at Singapore. I must confess I do not think the answer of the noble Lord is quite conclusive as to why a thing should be impossible in Hong Kong which is possible in Australia. As a matter of fact, work in connection with shipping is carried on upon Sundays in the Crown colonies alone. I cannot help thinking that we require more information upon this subject in order to get at the actual facts, and I would suggest to the noble Earl whether during the next few months he could not address questions to the Governors of all the colonies inquiring of them what are the regulations and practice upon this matter

in those colonies. We shall then be better able to talk about this matter. It cannot be left in its present position. The feeling of seamen is rising very strongly upon this question of Sunday labour, and the question will have to be pursued further, but before anything more is said, I think it is very desirable that we should get accurate information from each of the colonies, and I have no doubt that the noble Earl will see no objection to sending out Circulars for the purpose I have mentioned, so that we may be in possession of the actual facts in regard to both Crown and self-governing colonies.

LORD KNUTSFORD: I need only add that it will afford me very great pleasure to adopt the suggestion of the noble Earl, and that I will direct a Circular to be sent out as he suggests.

COMPANIES (WINDING-UP) BILL.

(No. 217.)

House in Committee (on re-commitment) (according to order).

Clause 1.

*THE SECRETARY TO THE BOARD OF TRADE (Lord BALFOUR of BURLEIGH): The Amendment in the 2nd subsection of Clause 1 is one which it was indicated to the Standing Committee would be necessary. The Amendment has now been agreed upon, and the words proposed to be inserted in my name are the words which have been agreed. They are words which bring the phraseology of this Bill into harmony with the County Palatine of Lancaster Act which was passed during this Session.

Amendment moved, in page 1, line 13, to leave out the words "unless the registered office of the," and insert the words, "or in the case of a."—(*The Lord Balfour of Burleigh.*)

Agreed to.

Clause 3.

*LORD BALFOUR OF BURLEIGH: The Amendment here is also one which was indicated as being desirable in the Standing Committee, and is really for the purpose of improving the phraseology. It is suggested that this will remove objections which were then taken to the large powers of transfer from one Court to another, which might be exercised by an individual Court. I call the attention of the noble and learned Lord *The Earl of Harrowby* opposite to the phraseology of this Amendment, and I hope it will meet all the objections which were taken in Standing Committee. I move, in the first place, in this Clause, at page 2, line 33, leave out ("any proceedings in") and after ("company") insert ("or any proceedings therein"); also leave out from ("by any Judge") in line 35, to ("conditions") in line 38, both inclusive; lines 38 and 39, leave out ("by the like authority.")

Amendments agreed to.

Another Amendment moved, after line 41, to insert—

"The powers of transfer given by the foregoing provisions of this section may subject to, and in accordance with, general rules, be exercised in accordance by the Lord Chancellor or by any Judge of the High Court having jurisdiction under this Act, or as regards any case within the jurisdiction of any other Court by the Judge of that Court."—(*The Lord Balfour of Burleigh.*)

THE LORD CHANCELLOR: Before the noble Lord puts that, I would call his attention to the fact that he has hardly carried out what I have no doubt he intended. The effect of that is that if a County Court Judge does not like to carry on a proceeding he may order it to be transferred to the next County Court. I am quite sure the noble Lord does not mean that.

*LORD BALFOUR OF BURLEIGH: It is to be "in accordance with general rules." It is subject to that. The intention is to bring them all within the rules.

THE LORD CHANCELLOR: But it does not do so. It is not only—

"By the Lord Chancellor, or any Judge having jurisdiction under this Act;"

but

"As regards any case within the jurisdiction of any other Court, by the Judge of that Court."

That may be the County Court. I only call attention to it that at the next stage of the Bill we may frame words that will do.

*LORD BALFOUR OF BURLEIGH: Then I will withdraw that Amendment at the present time.

Amendment (by leave of the Committee) withdrawn.

Clause 7.

*LORD BALFOUR OF BURLEIGH: The Amendment on this clause is at

page 4, line 37, after "company" to leave out "by the Court." This is the first of a series of Amendments to leave out the words in various clauses, "by the Court" and "by the order of the Court." These Amendments are rendered necessary if the decision which was come to in the Standing Committee be adhered to, to strike out Sub-section 2 of what was then Section 29. The Amendment of the noble and learned Lord opposite raises a question whether that sub-section should not be put in in a different form. In fact, it proposes to put it in in a form in which it was introduced into the other House of Parliament. If the House accept that Amendment then all the series of Amendments standing in my name to leave out the words "by the Court" and "by the order of the Court," in the various clauses of the Bill, will become unnecessary. But the position of matters, as noble Lords who were on the Committee are aware, is that in the House of Commons it was altered very materially by inserting a negative which governed the whole sub-section. Those words "by the Court" and "by the order of the Court" were devised to cover both the case of companies which are wound up under the supervision of the Court and those definitely wound up by order of the Court. The Bill, as brought into the other House of Parliament, proposed to make the procedure subject to those provisions, both in cases under the actual order of the Court and under supervision. The effect of the decision of the Standing Committee the other day was to leave it doubtful whether companies which were being wound up only under the supervision of the Court were intended to be included in certain provisions of this Bill. The Amendment of the noble and learned Lord opposite would put that beyond all doubt, and would include for this purpose companies being wound up under the supervision of the Court as well as those being wound up directly by order of the Court. If his Amendment is not accepted then there would be an ambiguity by leaving in, in other clauses of the Bill, those words. Under these circumstances, I think it would be desirable that my noble and learned Friend should state the reasons which had induced him to put down the Amendment which stands in his name, and then, from the feeling of the House, we shall be able to judge whether it is advisable or not that I should press these Amendments.

Amendment moved, in page 4, line 37, after the word "company," to leave out the words "by the Court."—(*The Lord Balfour of Burleigh.*)

*THE EARL OF SELBORNE: I am ready to take that course; and I will state my reasons very briefly for moving the Amendment of which I have given notice. But before doing so, I may, perhaps, mention that if the House should look favourably upon the Amendment, I should be quite disposed to make a little alteration in the phraseology of it. Perhaps it may be thought the words here are a little too wide, because I find in the Act some provisions which are not applicable where there are liquidators of a Company; and if it should come to my moving the Amendment, therefore, I would propose to move it in this form—

"For the purpose of such provisions of this Act as are applicable to a Company of which liquidators have been duly appointed and subject to general rules."

My reason for moving the Amendment is this: I think there are valuable provisions in this Bill which would be as applicable when the Company is being wound up under the supervision of the Court as to any other case. Perhaps I ought to explain to those who may not know exactly what is meant by the company being wound up under the supervision of the Court. There are three modes in which a company may be wound up. One is a purely voluntary liquidation which, upon proper application to the Court, may be superseded or controlled by the Court, but while it is going on the Court does not interfere at all. The other ordinary form is to wind up compulsorily, in which case the Court regulates the whole operation. But between those two comes the particular case which this Amendment is intended to meet. An application may be made to the Court that a liquidation which is voluntary may be changed into one under the authority of the Court. If the Court thinks fit upon that application, it may make an order in either of two forms, either to take over the

matter itself (a case with which we are not at present concerned), or that the voluntary winding-up shall continue under the supervision of the Court. Now, it is necessary to understand the effect of that as defined by the 151st section of the Companies' Act of 1862. That section is to this effect: That the liquidator of such a company, when that order is made, may subject to any restrictions which may be imposed by the Court exercise the same powers as if it were altogether voluntary. But the section goes on thus—

"But save, as aforesaid, the order shall for all purposes be deemed to be an order of the Court for winding up the company by the Court and shall confer full authority on the Court to exercise all power which it might have exercised if an order had been made for winding up the company altogether by the Court."

In substance, therefore, the Court has full control over that class of cases, but except as far as the Court may think fit to intervene, they may be conducted in the same manner as if they were voluntary. Now, bearing in mind that scheme of the Act of 1862, I cannot help thinking that the clauses of this Bill which are applicable to that state of things may with great advantage be applied to it. To give reasons at length is not necessary, but I will only mention shortly three clauses which I think the House will at once perceive may be quite as usefully applied in these cases of supervision as in cases of winding up under the Act. The 8th clause of this Bill requires as soon as may be a Report to be made to the Court of the Capital, assets and liabilities of the company being wound up, and if it has failed, the cause of its failure; and it contains consequential provisions as to proceedings which may be taken against promoters, directors, or others, if it appears to the Court that there has been misconduct. Then to take another clause of this Bill, the 11th clause, that requires that subject to certain authority balances in the hands of liquidators shall be paid into the Bank of England. I cannot help thinking that such a provision is equally applicable to companies under supervision. Then to take one more; the 15th Clause requires that when the winding-up has not been completed within one year, yearly Reports of the proceedings and position of the winding-up shall be made to the Court. If possible, that seems to me to be a provision which is even more necessary in the case of supervision than in the case of winding-up by the Court itself; because in the latter case the authority of the Court would have been invoked from time to time in the ordinary course of things, and the Court may be taken to have a knowledge of the state of the proceedings; whereas in these cases of supervision, except so far as the Court does exercise its power and authority, the thing goes on out of Court, and that is a case in which I think it is eminently important there should be forthcoming periodical reports. I cannot help thinking it is possible that one reason why in the other House this change was made in the Bill, which I wish should be re-considered, may have been that on the face of the Bill there are some few provisions which would not be applicable to the case; and, in order to meet that, I propose to alter the words of the Amendment in the manner which I mentioned at the beginning. I do not know what course my noble Friend thinks it best should be taken, but I cannot, in point of form, move my Amendment on Clause 30 until all his which come before it has been disposed of. If my noble Friend thinks the House will approve of the principle of my Amendment, perhaps he will propose not to move his now, reserving to himself, of course, power to do so if he should think it necessary at a later stage of the Bill.

*LORD BALFOUR OF BURLEIGH: I shall be glad to accept the principle of the Amendment indicated by the noble Earl. In fact, it was in the Bill, as originally introduced in another place. It was, however, there altered contrary to the wish of the Government, and the clause, struck out in Standing Committee of this House, inserted. But, as I pointed out before, that has caused an ambiguity, which must be met in some way or other. If the legal Members of the House approve of the suggestion made by the noble and learned Lord, especially as now altered by him, I, on behalf of the Government, should be glad to accept it, and to see that it is replaced in the Bill, subject, of course, to any objections which may be brought forward hereafter. Under those circumstances, I propose not to move

these Amendments which stand in my name.

Amendment (by leave of the Committee) withdrawn.

Clause 8.

*LORD BALFOUR OF BURLEIGH: This sub-section I propose not to put in as Sub-section 9, but as Sub-section 10, after the present Sub-section 9. The object of it is that it shall take the place of a sub-section which has been struck out in Standing Committee, it having been pointed out by the noble and learned Lord opposite that that sub-section gave too general powers of delegation which were generally objected to in Standing Committee. It was agreed, therefore, that that sub-section should be struck out and a sub-section inserted specifying to whom the powers to be delegated should be granted. This, I hope, will be the view of the noble and learned Lord, but if not, I should be glad to accept any amendment of it on the same lines that he can suggest. I propose to move it, putting the Judges of County Courts before the Official References and other officers of the Supreme Court.

Amendment moved in page 7, at the end, to insert—

"(9.) The powers of the court under this section may, subject to and in accordance with general rules, be exercised by any officer of the Supreme Court being an official referee, master, registrar, or chief clerk, or by any judge of county courts, or by any district registrar of the High Court named for the purpose by the Lord Chancellor, or by any registrar of a palatine court."—(*The Lord Balfour of Burleigh*).

LORD HERSCHELL: This is undoubtedly a great improvement from my point of view in comparison with previous proposals, but there are one or two points here which I do not feel quite sure about. I do not know why the noble Lord has not inserted the Registrars of the Bankruptcy Court, who are in the habit of taking examinations in strictly analogous cases. If it is because they are too busy, my noble Friend has, it seems to me, inserted a class of officials who are far more busy still, that is the chief clerks. I have great doubts about the expediency of inserting the chief clerks, having regard to the ordinary character of their duties, and in addition to that, I think it is likely to cause serious delays in the Court of Chancery, because they are the officers belonging to the different Chancery Courts who have to deal with the details of matters pending in those Courts. If you occupy them in duties of this description, their time may be so much occupied that it would be difficult for them to perform their ordinary duties. There is no class of officers, interference with whose ordinary duties may delay or put a stop to so many proceedings as the chief clerks, because they have before them a number of suits at different stages, and if you take them away from their ordinary duties you may interfere to a greater extent with business than by taking other officers. I should have preferred very much that the Registrars of the Bankruptcy Court should have been inserted rather than the chief clerks.

THE LORD CHANCELLOR: I think my noble and learned Friend is in error in supposing that the Registrars in Bankruptcy are not included. The Officers of the Supreme Court named are "an Official Referee, Master, Registrar, or Chief Clerk," and the word "registrar" would, therefore, include those in Bankruptcy.

LORD HERSCHELL: But there are Registrars in Chancery also, and having regard to the fact that they perform very different duties, I doubt whether they would be proper persons. I thought they might be the Registrars intended.

THE LORD CHANCELLOR: All I meant to point out was that Registrars in Bankruptcy would be included, because they are not only "officers of the Court," but actually "Registrars."

LORD HERSCHELL: I think it had better be made clear that Registrars in Bankruptcy are intended. I certainly do not think that Registrars in Chancery would be suitable for this purpose. Then with regard to District Registrars. Many of the District Registrars are solicitors practising in their Districts, and I think they would in general, certainly, be very unsuitable persons for this work. I see it is to be confined to such District Registrars only as are designated by the Lord Chancellor; and probably if that limitation were always to be borne in mind, that objection might be obviated.

*LORD BALFOUR OF BURLEIGH: I certainly believe that the Registrars in Bankruptcy would be included under this definition; but if not, we are willing to make it clear. And if, as the noble and learned Lord thinks the Chief Clerks are too much occupied, I shall be willing to accept an Amendment deleting that class of officials.

*THE EARL OF SELBORNE: I cannot help thinking that of the London Registrars the only Registrars who ought to be placed in this position are the Registrars of the Bankruptcy Court. To use those words would be a very simple way of amending that. Then with regard to the Chief Clerks. I hesitate to agree with my noble and learned Friend for this reason; that the Bill provides that the Judges in the Chancery Division may have a portion of this jurisdiction assigned to them; and if they have they will naturally discharge it with that assistance from their Chief Clerks which they now have. I cannot help thinking that the Chief Clerks would be perfectly competent persons to do this duty; and that in some circumstances, in regard to proceedings in the Chancery Division it might be inconvenient not to be able to do the work with their assistance. The whole matter will be subject to general rules, and I should myself incline to the opinion that you had better leave the Chief Clerks in.

LORD HERSCHELL: I would move after the word "Registrar" to insert the words "in Bankruptcy."

THE LORD CHANCELLOR: Then I think the grammar of this Amendment will require a little alteration, otherwise it would primarily mean that the District Registrars are to be named by the Lord Chancellor or by any Registrar of the County Palatine Court. I think that will have to be looked into.

*LORD BALFOUR OF BURLEIGH: That will be put right at a later stage.

LORD HERSCHELL: If you put in the words "Registrar of a Palatine Court" before "District Registrar of the High Court" that would do, and they would naturally come there, as he is a higher functionary.

Amendment moved to the proposed Amendment after the word "Registrar," in line 4, to insert the words "in Bankruptcy."—(*The Lord Herschell.*)

Agreed to.

Amended, as amended, agreed to.

Clause 26.

*LORD BALFOUR OF BURLEIGH: The purport of this Amendment was indicated to the Standing Committee, and it was approved of. The words have been subsequently agreed upon by the Lord Chancellor and by the authorities of the County Palatine Court of Lancaster; and I move accordingly, at page 15, at the end of the clause, to insert—

"(5.) All rules made and directions given by the Lord Chancellor under the foregoing provisions of this section shall be adopted by the authority for the time being empowered to make rules for regulating the practice or procedure in the chancery court of the County Palatine of Lancaster, but as so adopted shall have effect with the substitution of the words 'vice-chancellor' for the word 'judge,' and the word 'registrar' for the words 'chief clerk.'"

Agreed to.

*LORD BALFOUR OF BURLEIGH: After Clause 29 there is a new clause in my name, which tells its own tale. It is necessary to have a new clause of this kind, because there is no clause which covers the ground, and it is necessary to have a ready means of dealing with certificates or documents issued by the Board of Trade.

Moved to insert after Clause 29—

"(1.) All documents purporting to be orders or certificates made or issued by the Board of Trade, and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the board, or any person authorised in that behalf by the president of the board, shall be received in evidence and deemed to be such orders or certificates without further proof unless the contrary is shown.

(2.) A certificate signed by the President of the Board of Trade that any order made, certificate issued, or act done, is the order, certificate, or act of the Board of Trade, shall be conclusive evidence of the fact so certified."

Agreed to.

Clause 30.

*THE EARL OF SELBORNE: I will now move the clause of which I have already spoken, as altered in the way proposed.

Moved, after Sub-section 1, to add as a new sub-section—

"(2.) For the purposes of such provisions of this Act as are applicable to a company of which

liquidators have been duly appointed and subject to general rules, a company shall be deemed to be wound up by order of the Court, if the order is to continue a winding up under the supervision of the court."

Agreed to.

Report of Amendments to be received on Tuesday next; and Bill to be printed as amended. (No. 229.)

HOUSING OF THE WORKING CLASSES BILL.—(No. 220.)

SECOND READING.

Order of the Day for the Second Reading, read.

*THE SECRETARY OF STATE FOR INDIA (Viscount CROSS): My Lords, it is not my intention to take up very much of their Lordships' time in moving the Second Reading of this Bill, because the subject must be quite familiar to all your Lordships. In order to show what the necessity for this Bill is it may be useful, perhaps, just shortly to touch upon the history of the legislation upon this subject. Many years ago the late Lord Shaftesbury, who was the pioneer in this branch of legislation, succeeded in passing the Labouring Classes Dwellings Act, under which not much was done for a long period. More recently, in 1868, the late Mr. Torrens brought forward a measure to enable Vestries and District Boards to deal with healthy houses in their different localities, the provisions of which have been recently very strongly put in force, to the great advantage of the country and of the Metropolis itself. It was my duty in 1875 to re-consider this question. The former Acts, both Mr. Torrens's and Lord Shaftesbury's, only applied to small localities and to individual houses. Shortly before 1875 I had had an opportunity of seeing what had been done in the City of Glasgow, and I was very much struck with the Act which they had there, and which enabled them to deal not simply with individual houses, but with large unhealthy areas; and coming back to London, and finding that such areas existing very extensively in this country I introduced the Act of 1875, which eventually became law, and which enabled the Metropolitan Board of Works to take possession of large areas, if they were found to be in a certain condition, for the purpose of pulling down houses which were unfit for human habitation, and of building suitable working class dwellings upon their sites. At the time that measure was, I remember, described in two words by a noble friend of mine as "communism and confiscation." I certainly am not in the least ashamed of that Act, nor do I think it deserved the character which those two words attributed to it, because its object was to get rid of those unhealthy areas covered with insanitary houses, incourts, and alleys, which by reason of the want of light, air, ventilation, proper conveniences, or from other causes were unfit for human habitation, and where fevers and diseases were constantly generated, causing loss of health not only to the inhabitants of the courts and alleys themselves, but also to the other parts of the cities or boroughs in which they were found. There was another fact which pressed very strongly upon me and the Government of the day at the time; and that was, that it was not in the power of owners or of occupiers who lived in those courts and alleys to remedy the defects existing, because there were so many owners and so many people concerned that it was absolutely not in the power of any them acting individually to put matters straight. The result was, that that Act was passed, and all those Acts have been considerably amended from time to time. It was found necessary to pass another Act in 1879 in order to defeat the mischievous practice which had grown up among the owners of those unhealthy, insanitary houses. The moment they found they were scheduled, and that the matter was coming before Parliament, they immediately put them in the best repair they could, not for the purpose of making them more healthy, but for the purpose of extracting larger compensation from the public than they would otherwise have been able to get. A Committee of the House of Commons sat in 1881-2, of which I happened to be Chairman, which re-considered those Acts, and further Amendments were made; and the House will remember that later on, in 1885, a Royal Commission sat to consider the whole subject, upon which His Royal Highness the Prince of Wales sat as a member and took the greatest interest in its proceedings. That was done at the instance of my noble Friend the present Prime

Minister. The result has been that there have been a great number of Acts passed; and we think the time has come when those Acts ought to be consolidated, so that they may be made intelligible to the ordinary reader, who will not be obliged to hunt up a dozen Acts of Parliament in order to find out what the law is upon the subject, but that the law shall be placed in one single plain Act of Parliament. Perhaps, before I point out a few Amendments which have been made in the law and allude to the Bill at present lying on your Lordships' Table, I might be allowed, as a matter of interest, to state a few figures to show what has been done under the Act at present existing, because they have been by no means allowed to lie dormant. A great deal has been done under a great many of them. I will take Mr. Torrens's Act first. There was a Return moved for last year, 1889, to show how much had been done under this Act; and be it remembered that this Act of Mr. Torrens related to such houses as were dangerous to health so as to be unfit for human habitation. That was a very good description of them; and when we look at the number of houses which have been put in order, we find they amount to no less than 1,633. So that, as far as one can see, these Acts of Mr. Torrens's have done very good work, when we find there were 1,633 houses dealt with under them which were absolutely unfit for human habitation at the time they were taken in hand by the Local Authorities. Under the Act which I had the honour of passing afterwards a good deal has been done also. This measure, as I have stated, embraced large areas, and no less than 23 areas in London have been dealt with under these Acts. The persons displaced numbered 28,850, and the persons who can be re-housed on the ground which has been re-built upon number 30,715. The areas dealt with by the Metropolitan Board—there have been one or two schemes since, but during the period that the Metropolitan Board was in existence the areas dealt with included over 4,000 houses, and, besides that, there were 16 acres of land also dealt with, but the number of houses on those 16 acres I am not acquainted with. Those figures show that those Acts have done a considerable amount of good.

Viscount Cross

There is no doubt whatever that the proceedings under these Acts have been taken at a considerable cost to the ratepayers. The net cost, I believe, of the 22 schemes which were passed by the Metropolitan Board of Works after the sale of the land which they were obliged to take has amounted to very nearly £1,500,000. But you have had 30,000 people properly housed for that money, and you have done a great deal more than that—you have stamped out the sources of fever and disease which were polluting many parts of this Metropolis, both in Westminster and in East London, in almost every one of the large districts which were the sources of disease, and from which disease spread into other parts of the City to the enormous disadvantage and danger of the inhabitants. I should not like to weary your Lordships with any lengthened extracts to show the effect of what has been done by taking these large areas; but perhaps your Lordships will allow me to read a few short sentences from one of the Reports which have been made to me by several Medical Officers of Health. I do not propose to refer to them all, though I have them all here. I am now going to read from the Report made to me the other day by the Medical Officer of Health for the St. Giles's district. Your Lordships probably know well that St. Giles's district was one of the most unhealthy places in the whole of London. I will take one block which was dealt with, called Great Wild Street, and the adjoining streets and courts in the neighbourhood of Drury Lane. The condition of that area when taken in hand by the authorities is thus described by the Medical Officer—

"When I inspected the houses in this area in 1875 the squalor of the neighbourhood was plainly visible. The courts and passages were very narrow and close together; the houses built back to back with very small yards, and in many no yards at all; consequently, the sanitary arrangements were in the basement or under the stairs; the ventilation was most defective, and rendered the air impure and noxious."

The Report states that the death rate, which, of course, is one of the greatest tests of the health of a district, was between 50 and 60 per 1,000, being double the rate for the whole of the St. Giles's district. That is an enormous death rate to exist in any portion of any City.—

"The infantile mortality was very great. It was a veritable fever den, for typhus, the most malignant and fatal form of fever, was scarcely ever absent from the locality. As a proof of the improved condition of the health of the people in the buildings now erected on the same area, the death rate for 1889, instead of being between 50 and 60 per 1,000, fell to 17·7 per 1,000, and no case of typhus fever has been reported since the old houses were demolished."

That is a result, at all events, worth attaining, and shows that you must not measure the matter simply by the cost to the ratepayers of the removal of the old houses on such an area, and the building of new dwellings. The only other scheme to which I will call the attention of your Lordships is also in St. Giles's district, close to Drury Lane, the Shelton Street area. The Report states that—

"If anything, the houses in this neighbourhood were more faulty and worn out than those described in the two other areas; the rooms, passages, staircases, were small and dark, and the impure air which did reach them came from well-like back yards, where the water-closets and other arrangements were situated. The fatality in this area was alarming, the death-rate of one street (Shelton Street) being more than 60·0 per 1,000 and a birth-rate of 29 per 1,000. The infantile mortality was 30·4 per 1,000, and the zymotic death-rate equalled 12·9 per 1,000, against 4·3 per 1,000 for the whole of St. Giles's district."

That has also been reduced to about 17 per 1,000. Then he goes on to say—

"I have no hesitation in stating that, in my opinion, the clearing away of these insanitary houses and the re-housing of the people in improved model dwellings have been of the greatest possible benefit not only to this district but to London generally. In conclusion, I will refer you to the *Lancet* of March 26, 1887, which states, in reference to the clearing away of fever dens under the operations of the Artisans' Dwellings Act, 1875—'To the steps already taken by the Medical Officer of Health and the St. Giles Board of Works is greatly due the freedom from typhus fever which London now enjoys. In past years St. Giles was again and again the centre from which this disease spread to other parts of the Metropolis, and the money spent in improvements of the districts has already made ample return in leading to the disappearance of this serious cause of mortality.'"

That means, of course, the disappearance of a serious cause of mortality for the whole of London. Now, that is only a sample of what has occurred in other districts as well; but I think I have said enough to show that it is worth while for Parliament to see how they can improve these Acts which have already done so much good, and how, by consolidating them, we can simplify proceedings under them so as to make everything more plain and open than before. The right hon. Gentleman the President of the Poor Law Board has given great and unceasing attention to this subject, and I think the course he has pursued in the other House of Parliament was a very wise one. He brought forward an Amending Bill to amend all the defects which the Government thought existed in the Acts as he found them, and then he brought forward also a Consolidation Bill. Those two Bills were referred to the Standing Committee; and after they had approved of the Amendments, or had altered them as they thought best, they were then incorporated in the Consolidation Bill, which is the only one that comes up before your Lordships' House. If I persuade your Lordships to read this Bill a second time, as I hope I shall do, I shall then propose to refer the Consolidation Bill to the Standing Committee on Law, and I will present to them the Amending Bill. It was presented to the House of Commons in the first instance so that they might see what Amendments were proposed in the Consolidation Bill instead of having to wade through a mass of pages to hunt them up for themselves. The Amendments proposed are not very numerous; and the first Amendment to which I would allude is the Amendment in those Acts which bear my own name. There has always been great difficulty in persuading the arbitrators not to give too much compensation, and I will only take one instance. If you find a place which is absolutely unfit for human habitation, and which cannot be made fit for human habitation, what is the value of the houses for that purpose to the owner, and what compensation ought to be given to him for it? Of course, it cannot be allowed to stay as it is. The houses would be immediately shut up under the existing law. They could not be used by the owner for the purpose of habitation, and the value of that property, therefore, seems to be the value of the land—very valuable, no doubt, because of its situation, and the owners seem to me entitled to get that—and the value of the materials which are upon the place at

what they would realise to sell. That, I think, is about the only Amendment of the Acts of 1875. As to Torrens's Acts, they are several. In the first place, it is made distinctly the duty of the Local Authority and officials to at once close all dwellings which are found unfit for human habitation. That seems to me to be a step quite in the right direction. An order may also be made for the demolition of houses if they are found to be absolutely dangerous and unfit for human habitation, or if they are found to be so obstructive to the light and air that the neighbouring courts and alleys cannot possibly get that light and air and ventilation which they ought to have, without the removal of the obstructive building, on payment of due compensation, but not otherwise. Then I think it is quite right that such buildings should be removed, for the public safety, upon full compensation, of course, being paid to the owners of the houses. It was found there was considerable difficulty, as there were two sets of Acts, in saying under which set of Acts a particular area ought to be dealt with. The Metropolitan Board of Works was always saying that areas in question were too small to be dealt with under the Acts bearing my name, and the Local Bodies were always saying that the areas were too large to be dealt with under Mr. Torrens's Acts—and, therefore, between the two stools a suggested improvement fell to the ground, and was not carried out. I think in the last amendment of the law, made in 1885, a clause was introduced giving power to the Home Secretary to receive evidence upon the point, and to decide which Authority should proceed in order to make the improvement required. But it has appeared to my right hon. Friend, and, as I think, wisely, that there ought to be an intermediate proceeding as regards those places which are too large to be dealt with as individual houses, and too small to be dealt with as an unhealthy area; and, therefore, he has proposed a scheme by which, under a more economical system, larger areas can be dealt with, and the health of the district preserved as it ought to be. I do not think I ought to take up more of your Lordships' time in asking you to give a second reading to this Bill. I am quite certain your Lordships will agree with me that you cannot have a more important subject to deal with than that, seeing that you ensure the means of housing properly the working classes of this country. If you were to propose that the State should provide dwellings for them, that, I agree, would be subject to the charge of Communism; but there is no Communism in the State, saying that places shall not continue to exist which are let for human habitation, and which are unfit for human habitation; there is no Communism in saying that these unhealthy areas which produce disease, not only in the districts where they exist, but elsewhere, shall not be allowed to continue; there is no Communism in saying that the working man has yet to be, not provided with a wholesome dwelling for himself and his family, but placed in a position in which he can provide himself and family with decent and wholesome accommodation. It is simply then for the purpose of enabling such dwellings with proper sanitary arrangements to be obtained, not only in London, but throughout the country, that I am so anxious this Bill should go forward. When I had the honour of introducing my former Bill in 1875, I ventured to call the attention of the House of Commons to one of the earliest of God's laws—"Let there be light." Light has been let in upon many of these places; light has been let in for thousands of people who could not get it before, and I have to appeal now to your Lordships' House, as I appealed then to the House of Commons—let there be more light. I hope your Lordships will read this Bill a second time.

Viscount Cross

Bill read 2ª (according to order), and committed to the Standing Committee for Bills relating to Law, &c.

WOMAN'S SUFFRAGE (LOCAL GOVERNMENT).

"Return showing the number of women in Ireland who are qualified to vote for Councillors in Municipal Boroughs; indicating what is the qualification which entitles a Woman to be placed on the register: Ordered to be laid before the House."—(*The Viscount Oxenbridge.*)

ARMY (GRENADIER GUARDS).

*Lord SANDHURST (In rising to call attention to the late occurrences in connection with the 2nd Battalion, Grenadier Guards; and to move for papers) said: My Lords, I should not have been so anxious to call attention to

the deplorable cases which are referred to in my notice had we been able to get from those who are in office, more information upon the subject. I am well aware that, up to this time, no question has been asked in your Lordships' House, but I think it would have been of public advantage if, in another place, where questions have been asked, some statements on the general circumstances had been made. The only source of information that we have is an article in the *Times* newspaper of July 22nd, and various statements in other newspapers, more or less vague in their character, and, apparently, without authority, but uncontradicted. There are, however, three points which are tolerably clear, and upon which we may be quite certain. One is that, lamentably enough, there has been an *émeute* of some description, though of what description is not quite clear, in the 2nd Battalion Grenadier Guards; the second point, on which we are quite certain, is that the regiment has been banished—sent to the Bermudas; and the third point, upon which there is equally no doubt, I fear, is that Courts Martials have taken place, at which sentences have been given ranging between two years' imprisonment, with hard labour, and 18 months', with hard labour. Now, as to the first of these points. What I want to know is what was the description of this mutiny, and whether the whole of the battalion was concerned in it, or whether it was limited to a very small number of the men of that regiment? What was this mutiny which has involved these heavy consequences? I cannot see why there should be any mystery about it. The circumstance was known all over Europe by noon, with the exception of one individual, the Secretary of State for War, who answered about 6 p.m. in the Commons that he had no information. I pass from that, however; he might have been overwhelmed with business. There has been a Court of Inquiry, we are led to believe, formed of distinguished officers, and I should like to be told what course that Court of Inquiry pursued; whether the full statement of the case of the Commanding Officer was gone into or not, and whether the Commanding Officer had every opportunity of being heard before that Court of Inquiry? I should also like to know whether the non-commissioned officers' case was also thoroughly gone into, and whether there remains no shadow of doubt that the non-commissioned officers of that battalion are free from suspicion which might have brought them to trial before a Court Martial? Because it seems almost impossible to believe that the men of this battalion could be in a state bordering on mutiny, and finally breaking out into open mutiny, and that the non-commission officers who live with them, and who in the Guards are to a great extent responsible for them, could be absolutely ignorant of these occurrences. Did they know nothing of the intended action of the men? Besides, if the non-commissioned officers did not know anything about it, there were plenty of other people who did, for I am informed it was the common rumour in the streets, and that there were no less than five reporters endeavouring to fight their way into the barracks half-an-hour before the meeting commenced. As I said before, unless the Board of Inquiry was satisfied beyond the shadow of doubt that there was no ground for suspicion against these non-commissioned officers I think some of those men ought to be arraigned to take their trial. I want to know whether a survey of their conduct was included in the deliberations of the Court of Inquiry, and whether it was considered so satisfactory as to allow them to escape suspicion and Court Martial. Then the next thing I want to know is whether the case of the Commanding Officer was thoroughly gone into. I will say at once that I hold no brief for Colonel Maitland. I have not seen him for months, and I have not communicated with him. But there is one particular point upon which I should be glad to be allowed to say one word, and to ask the Under Secretary of State for War whether it is correct, as is commonly rumoured, that this gallant officer, when the Court of Inquiry was sitting, or after it had sat, either wrote or spoke to the illustrious Duke the Commander-in-Chief, or to the General commanding, to the effect that if his battalion was either not dragged before the public or was spared from being banished, he was willing to resign his command and be the scapegoat—that he would enter into no correspondence or take any steps whatever with the view

of putting himself right before the public, and that he would sacrifice himself. Well, I do not say whether it was a right course that was pursued—whether it was right to refuse to accept such a resignation, or to accept it; but I do think that when an officer has been for 31 years in a regiment, and has ended by commanding it, that it was a noble proposition to sacrifice himself entirely, so that the reputation of his regiment may be spared; and I hope that, if the facts are as I state them, the noble Lord the Under Secretary for War will inform us that such is the case. Before leaving Colonel Maitland, I would ask why he has been forced to resign? I may be told it is owing to the fact that his regiment mutinied. Well, let us follow that a little to the logical conclusion. Every time that men mutiny in a battalion or in a regiment, is the commanding officer to be forced to resign? Because, if that is so, I do not think that the office of commanding officer of any regiment would be worth one day's purchase under such conditions. But, then, again, if this mutiny is not the cause of Colonel Maitland's resigning, there must be some charge against Colonel Maitland of which we at present are ignorant, and I should like definitely to ask the Under Secretary for War whether he, as the head of the administrative part of the Army in this House, has any charges to make against Colonel Maitland; and I would further ask the illustrious Duke the Commander-in-Chief whether he has any charges to make against him. If not—if Colonel Maitland's character, beyond the circumstance of the mutiny, is as clear as I believe it to be—I hope, with that sense of candour and honesty which the case demands, it will be so stated by the high officials who represent the War Office and the Army. There is one thing which I should like to remark with regard to Colonel Maitland and this mutinous battalion. Five days before the mutiny occurred the battalion was inspected by the General Officer Commanding, and I am told that he highly complimented Colonel Maitland on the appearance and condition of his men, and that when, as is customary, the men were asked whether they had any complaints to make, they shouted with one voice that they had no complaints at all.

Lord Sandhurst

Well, then, how does the story go on? We can presume that the Authorities at this Court of Inquiry came to the conclusion that the Commanding Officer must resign or be superseded; that the battalion must leave this country, and that there must be courts-martial held. I have dealt very briefly, and in perhaps rather a lame way, with the Commanding Officer, and I would now call attention for one moment to the sending of the regiment abroad. But, apart from that, I am told that between the time when the mutiny took place and the time the regiment left the country, this regiment of actual mutineers went on guard for what are termed "the West End duties," that is, at the Royal palaces, Government buildings, and elsewhere. But I have always understood that employing a man or a regiment on a duty is condoning the offence. I only mention that fact to show that these proceedings have not been as regular from one end to the other as one could have wished them to be. Well, then, the whole battalion is sent away. But only a portion of this battalion was in the barracks where this mutiny took place. At Wellington Barracks there were only four companies, and two more companies were at Kensington Barracks, two miles off. I should like to know very much whether, in the opinion of the Authorities, those other two companies are implicated in this mutiny, and why, if they were not implicated in this mutiny, they have been banished with the rest of the battalion? Were any men from them tried by Court Martial? Then the next point is that you are sending this battalion abroad as a punishment, you are practically only sending them on a routine duty which has to be performed by every other regiment in the Service, except the Guards, in turn; so that any other regiment, when told off for foreign duty, might very well retort that, "after all said and done, it is rather hard to be sent abroad on what is called 'punishment duty' for another regiment, though it is considered quite good enough for us as ordinary duty." That appears to me to be a pretty compliment for the high Authorities of the Army to pay to the regiments of the line and the reft of the Service. I do not know whether there is precedent for this

extraordinary step; but this punishment —if punishment foreign service really is—is cheerfully undertaken by the rest of the Army, and, what is more, cheerfully acquiesced in by the men, who will most likely prefer life in the Bermudas to sentry duty in London. Then, as regards the time-expired men. Is that going to lead you into no difficulties? Before very long there will, no doubt, be a certain number of men due on the expiration of their period to be sent home. I believe it is possible to extend their service for a year. We know not how long this punishment is to last, but if these men are due to come home before the expiration of the punishment time, which they will owe to the good luck of having been enlisted a little before their fellows, it does appear to me that will be the most happy-go-lucky kind of justice possible. Such an extraordinary mode of inflicting punishment I never had the misfortune to meet with before. I now come to the Court Martial. You must remember that in these deplorable proceedings you have practically broken your Commanding Officer. We may, therefore, presume that the mutiny is regarded as having been his fault. But what is to happen to the private soldier? Steps must, of course, be taken to vindicate the discipline of the Army; and so you have put back one man from each company, according to the reports we have seen, who are tried by a District Court Martial; and to get at those who are most culpable, I presume you follow the plan of taking the senior soldier from each company. The notion that you can get at the most culpable and guilty men by that process seems to me a species of reasoning which I do not think will bear investigation. And when you have got this man from each company have you really found out that he is guilty? I should like to see the whole proceedings of this Court Martial. I should like to see who the witnesses were, or who it was who got these men condemned to two years' imprisonment. If you have contented yourselves with punishing these men because they were the senior soldiers, another consideration arises. I know it used to be the case that it was always the younger soldiers who were the most insubordinate, and for the obvious reason that they are less accustomed to restraint, and less brought under military discipline; but at any rate the men who have suffered in this case apparently are the oldest soldiers, the men who have served longest in the regiment. I cannot commend the idea, and to talk of the justice of the Plan would, to my mind, be waste of time. Then there is one other point, these men were tried by an inferior Court, a District Court Martial, instead of a General Court Martial. The substitution of a District Court Martial may very likely have been looked upon as an act of clemency by the Authorities at the War Office. I have have no doubt that is the case. But there is one great danger in turning these men over to the inferior Court: that the officers who form an inferior Court—I am not now alluding to this particular Court, I will take any Court Martial—are just as likely as not where they have a bad case of insubordination before them to sentence the men to the maximum punishment in the power of that Court. And for this reason, they say to themselves, "It is lucky for the man that he is before us; he might have been tried before a general Court, and then he would have had a much heavier sentence." So that there was danger in it on that head. Well, now, what actually occurred? Four of these men received sentences of two years' imprisonment with hard labour, one of them being sentenced to be discharged with ignoming, and two others received sentences of 18 months' imprisonment with hard labour. Two years is the maximum sentence. And this is after you have declared the Commanding Officer to be guilty by causing him to resign—breaking him—and have punished the whole battalion by sending them abroad! That seems to me such a method of procedure as to be almost incredible. Now, as to this sentence of two years' imprisonment. There are a great many eminent legal authorities in this House, and I venture to think there is hardly a Judge upon the Bench in this country, or a noble and learned Lord in this House who would not condemn those sentences as being excessive. But if a very excessive sentence is passed upon anybody in the Courts of this country there is the Press to take notice of it. It is true that in the case of a Court Martial the confirming officer

has the option of remitting the sentence or not; but there is none of that great pressure for the protection of men so dealt with brought to bear upon the Military Authorities, which is brought to bear upon the Civil Authorities in the country. Well, I cannot congratulate the Government or the War Office Authorities, or whoever is responsible in this matter for the action which has been taken. You have broken the Commanding Officer, although by passing these very severe sentences of imprisonment you tell us that the men were guilty. On the other hand, you have given very heavy sentences to the men, although you tell us that the Commanding Officer was guilty, and has, therefore, been forced to resign. That leads us to suppose that it is his fault, and that the men were badly used. In addition to that, you have sent the whole battalion away for a certain period of time for a holiday! I hope very much that if the Royal Commission which was asked for some time ago by my noble and learned Friend behind me (Lord Herschell) into punishments is ever given him, it will include the sentences of Naval and Military Courts Martial. I hope very much I shall be able to extract from Her Majesty's Government some information which will expunge from my mind, at any rate, the idea, and I must say I think it is an idea which affects the public mind, that there has been grievous mismanagement in this case and great injustice done both to the Commanding Officer and to the men.

Moved,

"That an humble Address be presented to Her Majesty for Papers relating to the late occurrences in connection with the 2nd Battalion, Grenadier Guards." — (*The Lord Sandhurst.*)

*LORD DORCHESTER: As one of the oldest Guardsmen in this House, I trust your Lordships will bear with me while I say a few words upon this grave question. I do not propose to follow the noble Lord who has just spoken into all the details of the question whether the Civil and Military Administration should be fused together. It rather appears to me that there has been too much of the civilian element mixed up with the Military Administration of the Army. It appears to me that if we had had fewer civilian Secretaries of War and one or two more military officers engaged in the administration, as is customary in Germany, in France, and in every other military nation that I know of, the Service might be better administered, although it might entail a little longer term than at present. England is the only great country which has a voluntarily enlisted Army, and I have it upon the testimony of one of the most illustrious warriors who have lived within the last 50 years, one who is now dead, and who was the head of a princely house, that short periods of service are inconsistent with the voluntary principle of enlistment. In that matter I remember I was scouted at by a noble and gallant Friend of mine who used to adorn the Cross Benches, but who is now seldom seen in this House. I have known the 2nd Battalion of Grenadier Guards for 49 years. I served with them in Canada in 1841. I have known them, when under very gallant commanders, who afterwards became distinguished generals in the Service, and I have never heard one word of complaint of them, whether on board ship, in camp, under great and heavy suffering from starvation, from cold, and from want of necessaries arising from the maladministration of the civilian bodies connected with the Army. I have never heard one word of complaint from them beyond the grumbling of some soldier who had, perhaps, imbibed more freely than he should. I never heard a word of insubordination except from one or two madmen during the long period of my service that could at all compare with what occurred a fortnight ago within a few hundred yards of this House. As I was walking down to this House at 4 o'clock in the afternoon on that day, and saw "Mutiny among the Grenadiers" announced in the evening papers, I could hardly believe my eyes. I would not have believed it could have occurred, nor do I believe it could have occurred under the old system of reliable non-commissioned officers. Under the old system of non-commissioned officers the biggest blackguards were kept under control. I have experienced it. I never heard one word during the 14 months that I served in the Crimea, with General Sir Frederick Stephenson and my noble Friend on the opposite side of the House,

lying out in the snow, and living upon two ship's biscuits, three slices of salt pork, and five potatoes a day, for I well remember it, and I am accurate in the particulars. I never heard one word approaching to what happened on this occasion, nor do I believe, as I have said, that anything of the kind could have occurred. But as to what is to be said in defence of the officers. Much has been said about them. In no regiments in Her Majesty's Service is there better touch or a better feeling than I believe always used to exist, and, I believe, does now exist, between the officers and men of the Guards. The officers join with the men in their sports, and entertain them. The noble Viscount on the Ministerial Benches has given us to-day a vivid description of the wretched habitations of the poorer classes in London; but I do not believe that the worst of those tenements were as bad as the lodgings which the married soldier's means alone enabled him to secure for his wife and children. A lodging-house was built 42 years ago by the Brigade of Guards for the married men, to which the illustrious Duke, I believe, contributed. That building was erected by contributions from the officers, and was acquired by Government during the Crimean War. Again, in order to raise the tone and improve the moral condition of the men, the officers of the Brigade of Guards and their friends raised a very large sum to erect a palatial club for the non-commissioned officers and men of the Guards, and it is now the residence of one of the most eminent men in this country—Cardinal Manning. Now, so much in repudiation of the notion of the officers of the Guards not being in touch with their men, of which we have heard a great deal. At rowing, cricket, and athletic sports I have invariably seen the men of the regiment and the officers upon the most friendly terms possible, and quite as friendly as they should be. But we read in every newspaper, and I suppose the newspapers are read by your Lordships, statements to the contrary, and suggestions that if some of the officers were as they ought to be housed in barracks that would improve their relations with the men. I fail to see that at all, though I am quite sure that the officers of the Guards would accept it as the very greatest boon possible if they could be lodged in barracks instead of paying for lodgings about St. James Street and other places in the neighbourhood. But what do those gentlemen know about the matter who write so freely in every newspaper without giving their names, and notably in a newspaper which takes its name from a street not very far from St. James Street—I may say that I do not allude to the *St. James's Gazette*—about officers living in barracks. Have those gentlemen ever travelled abroad? Do they know anything of the armies in foreign countries? I believe they know very little about army matters at all. In no army that I am aware of—I may be wrong, and if so, I speak subject to reproof—do officers live in barracks. They may do so in some regiments in Germany, and in some of the Russian Guard Regiments, but in France, Italy, Spain, and, I believe, generally in Germany, the officers always live in private quarters. They have not even a mess. When the late Emperor Napoleon tried to establish a mess system among the French as English officers have, it was with great difficulty he succeeded, and notably on one point, that was the score of expense. Well, so much for the officers not having been in touch with their men because they live within two or three hundred yards of them, and not actually within the barrack gates. But there are always officers within the barrack gates; there always used to be, and I know there is always a great desire on the part of young officers now, who are much more hardly worked than they used to be, to obtain free quarters, for a reason which affects their pockets, and, as we know, young officers may very well make that a consideration. I only hope we shall hear no more balderdash from the Press about officers not living in barracks. That has nothing at all to do with the matter. All I can say is that I have commanded one of the most, I will use the term, "rowdy" lots possible, and I do not dislike the rowdy soldier. There are, of course, rowdy soldiers in this country, because the men are enlisted from the lowest class; and I believe there is no reformatory equal to the British Army for quieting down some of the blackguards, such as I have had the honour to command, and making decent

soldiers of them. They soon begin to act properly for their own sake. I remember on one occasion I was riding round the outposts at Inkermann, and as I passed along I said to one of the greatest blackguards I ever had the honour to command, "Mind, you must keep a good look-out here;" and his reply was, "You may depend upon it, Colonel, we shall do that for our own sake." And I felt we were, perhaps, safer in that quarter than if we had had a better-conducted man. To these few words, and with many apologies to your Lordships for having detained you so long in defence of those with whom I served for so many years, I will only add that I trust justice will be done to the battalion, that due punishment may be meted out, and that the Commanding Officer may not be made the scapegoat for his men.

*THE DUKE OF CAMBRIDGE: May I be permitted to interpose for a moment? I hope this discussion will not be further prolonged. I trust your Lordships will feel that it is utterly impossible for any man to maintain discipline in the Army if such matters as these are to be discussed publicly in Parliament. If my noble Friend or any other noble Lord has not confidence in those who have discipline to maintain in the Service they would have a perfect right to attack their conduct; but as long as they have the perfect confidence they profess in the authorities, I am bound to say they must have that trust in them which will enable the authorities to carry out what they believe to be essential, absolutely essential for the interests and well-being of Her Majesty's Service, and for the well-being of the Army, which they must wish to see efficient in all its details. It is all very well for people to talk about mutiny, but I do not call this occurrence mutiny. It was, no doubt, an act of gross insubordination that was committed by these men, and if that gross act of insubordination was not to be dealt with in the way that we thought best, most just, and most thorough, in order to restore entire discipline and obedience amongst those who had forgotten themselves, I say it would be utterly impossible for either myself or any officer who has the honour to be at the head of the Army to conduct the duties of that position in a manner which would be justifiable to those whom he commanded, or to the country which he was desirous to serve conscientiously and to the best of his ability. My Lords, I trust that this discussion may not be prolonged, and I must say that I do most deeply regret that any noble Lord should have started it. I am sorry for it, because the noble Lord is a friend of mine, and I wish, if he had anything to say in this matter, he had come and said it to me confidentially, in order that if anything was wrong it might have been put right, instead of bringing the matter before the public in a discussion which I can only think will lead to mischief instead of to good.

THE UNDER SECRETARY OF STATE FOR WAR (Earl BROWNLOW): My Lords, I cannot help expressing my surprise that the noble Lord, who has himself served in the Brigade of Guards and who has had some experience as Under Secretary of State for War, should have thought it desirable to bring this subject forward for discussion in your Lordships' House. Deprecating discussion on the matter, as I do most strongly, I will reply as briefly as possible to the points the noble Lord has mentioned, and I will take them in order. The first question was whether the case of the non-commissioned officers had been investigated. My answer to that is that their case was investigated; and I would ask the noble Lord to remember that these non-commissioned officers were at the time of the outbreak on parade, they were not with the disaffected men in their rooms. Another point which the noble Lord raises is this. He asks why the six senior soldiers were selected to be tried by Court Martial. My answer is, they were not selected to be tried by Court Martial. The reason that they were tried was that in accordance with the custom well-known in Her Majesty's Army, in the absence of non-commissioned officers the oldest soldier is technically, I may say, in command. These old soldiers were in the barrack-rooms when the non-commissioned officers were where the old soldiers ought to have been—namely, on parade—and therefore they brought upon themselves a trial by Court Martial. Another point raised by the noble Lord was as to whether the case of the commanding officer was gone into. Un-

doubtedly it was. Colonel Maitland has had every opportunity of making his defence before the Court of Inquiry, and the result has been that he has been allowed to resign his command, but I cannot admit, for one moment, that the commanding officer has been in any way made the scapegoat for the regiment. Another question asked by the noble Lord is whether the other companies of the regiment stationed at Kensington were implicated in the mutiny. My answer is in the negative. I believe those are all the points which the noble Lord has raised, and I have endeavoured to give him as brief and as concise an answer as possible. The noble Lord, in his Motion, moved for Papers. The only Papers I know of are the proceedings before the Court of Inquiry and the Court Martial, and it is not considered it would be for the good of the Public Service that those Papers should be laid upon the Table.

*LORD SANDHURST: Of course, I will not press the Motion for Papers; but I must say I am extremely sorry to hear no word either from the noble Earl or the illustrious Duke the Commander-in-Chief as to whether they have any charge to make against, or can, on the other hand, say anything generous of, Colonel Maitland. I think it is a great pity that something has not been said upon the point, but I will not discuss the matter further.

Motion (by leave of the House) withdrawn.

ELECTIONS (SCOTLAND) (CORRUPT AND ILLEGAL PRACTICES) BILL. (No. 158.)

House in Committee (on Re-commitment) (according to order): Bill reported without further amendment; and to be read 3ª on Monday next.

POOR LAW (IRELAND) RATING BILL. (No. 183.)

PAUPER LUNATIC ASYLUMS (IRELAND) (OFFICERS' SUPERANNUATION) BILL.—(No. 209.)

BIRSTALL WESLEYAN CHAPEL TRUST SCHEME CONFIRMATION BILL. (No. 204.)

Read 3ª (according to order), and passed.

COMMITTEE OF SELECTION FOR STANDING COMMITTEES.

Report from, That the Committee have added to the Standing Committee for Bills relating to Law, &c., the Lord Lyttelton, the Lord Ribblesdale, the Lord Kinnaird, the Lord Rothschild, and the Lord Hillingdon for the consideration of the Directors Liability Bill, and the Lord Balfour for the consideration of the Bankruptcy Bill, read, and ordered to lie on the Table.

House adjourned at twenty minutes past Six o'clock, to Monday next, a quarter before Eleven o'clock.

HOUSE OF COMMONS,

Friday, 25th July, 1890.

PRIVATE BUSINESS.

COMMERCIAL UNION ASSURANCE COMPANY BILL.

(3.10.) MR. COURTNEY (Cornwall, Bodmin): As this is a Bill in which I have a personal interest, I beg to move that the Chairman of the Standing Orders Committee shall act as Chairman.

Question, "That the Chairman of the Standing Orders Committee be Chairman of the Committee upon the Commercial Union Assurance Company Bill," put and agreed to.

CLYDE NAVIGATION BILL [LORDS]—(*by Order.*)

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

*(3.15.) MR. J. WILSON (Lanark, Govan): In moving the Motion which stands in my name upon the Paper, I desire briefly to explain to the House the reasons which induce me to do so. As Member for the Govan Division of the County of Lanark, I naturally take a deep interest in everything that concerns the interests of my constituents. Besides being myself a resident, I am a large employer of labour in the parish of Govan. The present Bill proposes no

new scheme of dockworks, but the promoters, who are the Clyde Navigation Trustees, propose to abandon certain powers which were declared by Parliament in 1883 to be for the public benefit. In that year the Trustees acquired land for the purpose of erecting docks. Now, the River Clyde runs from east to west, and the main road between Glasgow and Govan follows the River Clyde, and almost runs parallel with it until it reaches Renfrew. The road runs on the south side of the river, and the proposed docks are also on the south side. The Local Authorities and the people of Govan do not object to the docks as docks; but what they do object to is that this Bill, if passed, will cut in two a main artery and a turnpike road which has been from time immemorial a public highway. The land acquired for docks is in Govan; but if the proposals of this Bill are accepted, they will practically cut the burgh of Govan into two halves, and leave those on the west side of the docks out of touch with the other part of the burgh on the east side. Parliament in 1883, in conferring additional powers upon the Clyde Navigation Trust, stipulated that the existing turnpike road should be maintained, and that it should form a point of continuity by means of two swing bridges. The object of the present Bill is to do away with the road and the two swing bridges. It must not be forgotten that in 1883 Parliament recognised the importance of this road, and required the Trustees to make a solid road for the purpose of serving the large amount of traffic that is carried over it. The Govan road is one of the best, one of the widest, and one of the most important roads which go into the City of Glasgow. It is computed that on the average some 13,000 persons travel upon it daily, in addition to vehicles. The plea of the promoters is that there is difficulty in passing the swinging bridges by vessels using the dock, but I maintain that it is no difficult matter to cant a vessel so as to pass a swing bridge, and the Harbour Master of Glasgow told the Committee that the canting of a vessel in the river was a mere bagatelle. The cost of constructing the two swing bridges and their upkeep is estimated at £125,000; and the Clyde Trustees, if the present Bill is carried, propose to put that sum into their own pockets as well as to absorb the public property on the roadway which runs through the centre of the proposed docks, without giving the community anything in return. There can be no difficulty, so far as shipbuilding is concerned. The longest steamer is the *City of Rome*, and that vessel was in the Clyde in 1883, before this Bill passed, and experienced no difficulty in using the river. Indeed, it was clearly demonstrated to the Committee by nautical engineers and other experts that there could be no difficulty in taking out the very largest vessels afloat—even vessels 600 feet long. That view was supported by Sir Frederick Bramwell, the eminent engineer, who is thoroughly conversant with the Clyde navigation as well as with the docks of London. In answer to Mr. Pember, the counsel for the Local Authorities of the Corporation of Govan, Sir Frederick stated that, although in these days he was hardly astonished at anything, he did think that it would be a piece of the greatest hardship to do away with the swing bridges and compel the public to travel a long distance round. Nor were the Committee unanimous in passing the Preamble of the Bill. I believe that they had the greatest difficulty in making up their minds upon the subject; and I fear that in the decision which they ultimately arrived at, they overlooked the main point which was in the minds of the Local Authorities. The question is one which concerns the public, and pre-eminently the working classes. Those of the working classes who are employed in the West End, but live in the East End, will be required, if this Bill passes, to go round the docks in order to reach their work some 1,400 yards, or, taking 300 days as constituting the working year, to travel something like 300 miles per annum unnecessarily. The Local Authorities have no personal advantage to gain in opposing the Bill; their only object is to preserve the rights of the public. Under these circumstances, I beg to move the Resolution of which I have given notice.

Amendment proposed,

To leave out the words, "now read the third time," in order to add the words "recommitted to the former Committee, with an Instruction to the Committee to provide that the line authorised by the Act of 1883 with

regard to the portion of the road passing through the centre of the docks be adhered to, with this alteration, that one swing bridge instead of two swing bridges be constructed." —(*Mr. John Wilson, Lanark.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

(3.30.) MR. CALDWELL (Glasgow, St. Rollox): This matter has already been determined before two Select Committees, one of the House of Lords and the other of the House of Commons, and the points raised by my hon. Friend have been carefully considered. In one place the inquiry lasted four days, and in the other six. In these circumstances, it is quite unprecedented to ask this House to go into matters of evidence and detail with a view to overturning the decisions of the Committees of both Houses of Parliament. The promoters of the Bill are acting in the public interest. My hon. Friend said the Trustees would save £125,000, but who would have to pay it? Acting in the interests of their constituents, the ratepayers, the promoters desire to carry out the scheme at the least possible expense. With regard to the swing bridges, the plans contained in the present Bill are essentially different to those contained in the Bill of 1883, and it was in order to get rid of these bridges that the old scheme was abandoned. The advantage to Govan from this Bill will be very great indeed, as the assessment of the new docks will prove an additional source of revenue. The new road will lead through the centre of the extended burgh, whereas the present only runs along the riverside.

ROYAL ASSENT.

Message to attend the Lords Commissioners;—

The House went;—and being returned;—

MR. SPEAKER reported the Royal Assent to the Bills mentioned on page 841.

MR. CALDWELL: There is only one other point in the speech of my hon. Friend to which I will call attention. I venture to say that very little inconvenience will be caused to the working classes. It will not take them more than 260 yards out of their way from Govan to Glasgow, and it should also be borne in mind that there is a very efficient service of penny steamers running up the Clyde from Govan to Glasgow—a distance of three or four miles—so that those who wish to travel from one place to the other have every convenience. In addition to that, we find that the working classes in Govan are a migratory population, and if a man finds he is put to any inconvenience by having to go a little out of his way, he can easily shift his home. On the other hand, it is, of course, impossible to shift the River Clyde. So far as the working classes are concerned, there is no outcry against this scheme. If it inconveniences a few of the people the scheme will convenience the many, and I therefore submit that there is no reason for traversing the decision of the Committee.

*(4.0.) SIR J. KENNAWAY (Devon, Honiton): As Chairman of the Committee of this House which considered this Bill, I may, perhaps, be allowed to say a few words on the arguments of my hon. Friend the Member for Govan. The question put before the Committee was a very simple one, and was not complicated by any side issues. It was whether the Commissioners of the Clyde should be allowed to meet the demands of the shipping of that port according to the only plan that they thought useful and practicable, or whether, in the interests of the working classes, it was desirable so to curtail the plan as to practically spoil it. Now, the Clyde Commissioners are a Public Body, and have no private interests to serve in this matter. They have done great service to the Port of Glasgow. In 21 years the increase of their revenue has been from £143,000 to £335,000. They have long felt that they wanted a new dock, and have purchased 100 acres of land for nearly £500,000, in order that the dock might be constructed. The Committee came to the conclusion that, on the whole, the balance of advantage was in favour of the scheme of the Clyde Trustees, though they quite acknowledge the hardships of the working man in having, from one point, to make a *détour* of 800 yards. They took into consideration the fact that great benefit would accrue to the people of Govan by the expenditure

among them of £1,500,000. It was, no doubt, a serious thing to divert an old-established road; but the question is, whether such inconveniences as that are outweighed by the stronger claims of the whole shipping interests of the Clyde. The great majority of the Committee felt, without hesitation, that it was unnecessary to call upon the counsel for the Clyde Trustees to continue his observations; and the same thing happened in the House of Lords. I think it will be greatly regretted if, after Committees of both Houses have passed the Bill, the House should reject it.

(4.6.) DR. CLARK (Caithness): If I had entertained any doubt before, the two speeches I have heard in favour of the Bill would have proved quite sufficient to determine the course I ought to take. The speech of my hon. Friend the Member for the St. Rollox Division was not of the character I should have expected from him. I do not know whether he is ignorant of the facts of the case, or whether he is trying to throw dust into the eyes of Members of this House; but he must know that the ratepayers have nothing to do with this matter, and that the cost of the works will not be defrayed by them. It will have to be paid out of the shipping dues. My hon. Friend apparently was anxious that the House should not realise what is the real point at issue between the Corporation of Glasgow and the Burgh of Govan. The question is whether you are going to have a bridge to connect the two sides of the dock. The proposition of the Corporation of Glasgow is a very wise one. It is simply a question of keeping in existence a road that has been established 400 or 500 years. I am sure it would cost less money to build the bridge than it cost to oppose the proposition. If they had been wise the Clyde Trustees would have assented to the scheme. My hon. Friend has suggested that this is not so serious a matter for the working classes, as they can migrate to other houses if they choose; but why should the value of property be thus depreciated? This is evidently a question of the classes against the masses, and the latter will go to the wall. I hope the House will insist on having a bridge erected, for I have heard no reasons advanced why there should not be one.

Sir J. Kennaway

(4.14.) Mr. GILES (Southampton): I cannot understand what advantage would be gained by the re-committal of the Bill. The Committee would only have before it the evidence on which they have already decided it. In 1883 Parliament passed a Bill which did away with the direct Govan road, and a new road was made 237 yards longer. If the diversion proposed in this Bill be compared with the road of 1883, it will be found that the extra distance will be 269 yards, instead of 800 yards as contended by hon. Gentlemen opposite. As an engineer, I do not hesitate to say that the present plan is infinitely superior to that of 1883. I would have done all I could to get rid of even the one swing bridge. I can only say that the necessities of Glasgow and of Govan are such as to render it expedient to have a dock to accommodate the larger class of steamers; and I think the Clyde Trustees have adopted very proper designs. It is not a question of money. The Commissioners are going to spend £1,500,000 in order to increase the dock accommodation on the Clyde, and surely it would be foolish to throw over the scheme simply because some working men will have to walk two or three hundred yards further than before. Supposing there was a swing bridge, and it happened to be open just as the men were going to work, they would be delayed and probably lose a quarter of a day's work. With this uncertainty, would it not be better that they should be compelled to go even a quarter of a mile out of their way, for they would then know what time to start in order to reach the works in time? I hope that the House will not upset the Bill.

(4.17.) The House divided:—Ayes 165; Noes 81.—(Div. List, No. 200.)

Main Question put, and agreed to.

Bill read the third time, and passed, with Amendments.

QUESTIONS.

MATCHES SUPPLIED TO THE HOUSE.

MR. HOWARD VINCENT (Sheffield, Central): I beg to ask the Secretary to the Treasury if he can inform the House under what head, in the recent Return "Contracts with Foreigners," appear the

proportion of matches supplied to the House of Commons marked "Manufactured in Sweden," but in boxes otherwise scarcely distinguishable from those in which the products of London labour are sold by Bryant & May, Limited; and, further, if the goods supplied by Government contractors in the United Kingdom are examined, with a view of preventing foreign-made articles being introduced into a consignment?

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): The matches marked "Manufactured in Sweden" do not appear in the Return referred to by my hon. Friend, because the contract for them is made with an English firm, Messrs. R. S. Mendey, of 106, Fenchurch Street. I understand that they are manufactured by Messrs. Bryant & May, at the "Lion" Factory in Sweden. I apprehend that all goods supplied by contractors are examined to see that they are according to sample or specification.

MR. HOWARD VINCENT: Does the specification not require that British goods shall be supplied?

MR. JACKSON: No, Sir; I believe not; it merely requires that the matches shall be supplied by the firm.

MR. HOWARD VINCENT: I beg to give notice that I shall move that they be labelled.

IRELAND—EVICTIONS ON THE MASSEREENE ESTATE.

MR. BLANE (Armagh, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, in the case of the four evictions which were carried out last week on the Massereene Estate, County Louth, by bailiffs in the absence of the Sheriff, the bailiffs had their appointment from the Sheriff in writing to carry out those decrees; and if it is true that Constable Brady, of the police hut Monasterboice, reported that a shot fired by an emergency man named James Parks grazed the side of his cap; and, if so, will the authorities order an investigation?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I understand that the bailiffs referred to were regularly appointed Sheriff's bailiffs. The facts are not accurately stated in the second paragraph. The person mentioned is not an emergency man, but a new tenant. No complaint appears to have been made that the shot grazed the constable's cap, and the District Inspector who has inquired into the case is of opinion that there would be no ground for such an allegation.

MR. BLANE: Is it true that a shot was fired at the man named Morgan?

MR. A. J. BALFOUR: No, I have received no report of that kind.

LEEWARD ISLANDS.

SIR WALTER FOSTER (Derby, Ilkeston): I beg to ask the Under Secretary of State for the Colonies whether his attention has been called to the present unsatisfactory state of the Government Medical Service in the Island of St. Christopher (colony of the Leeward Islands), whereby in four medical districts (Nos. 3, 4, 5, and 6) covering an extent of nearly 50 square miles, with an estimated population of over 20,000, there are only two medical officers; whether he is aware that the last quarterly Report of the Analyser of Vital Statistics stated that the high death-rate of the island was to be attributed to the large number of deaths of infants of the labouring classes, and that at least one death of a poor woman in childbed had occurred from want of medical attendance?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): It is true that there were till lately only two medical men to four districts in the Island of St. Christopher, but there were three other medical officers in the island. One of the two districts had been left vacant for some years, because the Royal Commission which visited the island in 1883 had reported that the medical staff was larger than was necessary, and because St. Kitts has more doctors in proportion to its size and facility of travelling than perhaps any other West Indian island. However, in response to urgent local representations, the Secretary of State has already taken steps to appoint a new medical officer to the vacant district. The hon. Member's quotation from the Analyser of Vital Statistics is practically correct, though in the same Report it is stated that the general death-rate was probably lower than in any previous

year of the century. I may add that the Report assigns special causes for the great infant mortality quite distinct from any want of medical attendance, to which no reference is made.

HORSE BREEDING.

MR. ALFRED PEASE (York): I beg to ask the President of the Board of Agriculture whether the Government can now announce their intention to carry out the recommendations of the Royal Commission on Horse Breeding in their Third Report, with regard to raising the amount disposable for Queen's premiums and the encouragement of horse breeding from £5,000 to £10,000, and the advisability of preparing Returns containing reliable information as to the number and description of horses in the United Kingdom?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. CHAPLIN, Lincolnshire, Sleaford): My attention has been already directed to this subject, but I am afraid that the Returns recommended by the Commission would involve considerable difficulty. The matter, however, is being considered, and I hope to be able to make some improvement, at all events, in the existing system before the next Returns are issued. With regard to the first part of the question, the experiment of devoting the sum in question to Queen's premiums instead of Queen's plates has been exceedingly successful, and personally I should be very glad to see it raised from £5,000 to £10,000, but that is a matter for the consideration of my right hon. Friend the Chancellor of the Exchequor.

RAINE'S BEQUEST.

MR. W. P. SINCLAIR (Falkirk, &c.): On behalf of my hon. Friend (Mr. T. W. Russell), I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether a Petition has been presented to His Excellency, objecting to the scheme of the Endowed Schools Commission in regard to the Raine's Bequest in County Derry; and when the scheme will be presented to the House?

MR. A. J. BALFOUR: A Petition of the nature referred to has been presented to the Lord Lieutenant. The scheme was accordingly laid before Parliament yesterday.

Baron H. de Worms

RUNCORN GUARDIANS.

MR. BRUNNER (Cheshire, Northwich): I beg to ask the President of the Local Government Board, with reference to the irregularities at the late election of Guardians of the Poor for the township of Runcorn, whether he is aware that the clerk's office is at Frodsham, a distance of eight miles from Runcorn, so that qualified electors who may not receive Voting Papers have either to walk that distance or make a railway journey to obtain them; whether he is also aware that the counting of the votes takes place at Dutton Workhouse, which is still further from Runcorn, and not accessible by railway, so that it is practically impossible for anyone neglected by the distributor or collector of Voting Papers to record his vote; and, whether, in view of the fact that the township of Runcorn contains more that half the population of the Union, and that contested elections in the other townships are almost unknown, he will direct that Voting Papers should be procurable at the overseers' township office at Runcorn, and that the counting of the votes should take place there?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): I am aware that the office of clerk to the Guardians of the Runcorn Union is at Frodsham, and that the Dutton Workhouse, where the counting of the votes in the election of Guardians takes place, is still further from Runcorn. I find that, according to the Census of 1881, the population of the township of Runcorn was considerably less than half that of the Union. A contested election took place in another township during the present year. The regulations applicable to the election of Guardians require that the counting of the votes shall take place at the Board-room of the Guardians, but it rests with the Returning Officer to fix the place at which Voting Papers may be procured by persons who have not received them. The Local Government Board will communicate with the Returning Officer, with a view to considering whether any alteration should be made in the places where Voting Papers may be procurable, and where the counting of the votes shall take place.

WARD'S NIGHT SIGNALLING.

ADMIRAL MAYNE (Pembroke, Haverfordwest): I beg to ask the First Lord of the Admiralty if he can state the date at which the system of an American gentleman, named Ward, of night signalling for use in the Naval Service was proposed, and when it was rejected; whether experiments were carried on at the expense of, and, if so, at what cost to the Admiralty; and what sum was paid to Mr. Ward on the rejection of his system as compensation for his failure?

*THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): Mr. Ward's system of night signals was submitted to the Admiralty in 1859, and, after various practical experiments with these signals, it was decided in 1864 that they were not adapted for use in the Naval Service. The action of the Admiralty was confined to permitting the signals to be tested in one of the dockyards, and on board ship. The only payment made to Mr. Ward was £100 in 1866.

*ADMIRAL MAYNE: Will the expenses be covered?

*LORD G. HAMILTON: I believe so. There is no very accurate record.

THE TOWN CLERK OF SALFORD

MR. SEYMOUR KEAY (Elgin and Nairn): I beg to ask the President of the Board of Trade whether his attention has been called to the examination in bankruptcy of Thomas Harrop, an auctioneer at Mexbro', at Sheffield, on 16th May last, and to the serious allegations then made respectihg Mr. Samuel Brown, the Town Clerk of Salford, in regard to his pecuniary dealings with the bankrupt; whether he has observed that the Official Receiver stated on that occasion that he must insist on Mr. Samuel Brown being examined, but that, nevertheless, at the adjourned examination on 12th June, he refused to summon him for examination, although an offer was made by a creditor to pay the expenses for so doing; and whether there is any process by which the said Samuel Brown can be brought to account in respect of his dealings with the bankrupt?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): I am informed that, in the case referred to, it is alleged that Mr. Brown received moneys from the bankrupt, which he ought to refund, but which he refuses to refund, on the ground that he has a counter claim against the bankrupt's estate. The Official Receiver was superseded by the appointment of a Trustee at the first meeting of creditors, and it is no part of his duty, under such circumstances, to undertake proceedings for recovery of moneys alleged to be due to the estate. That duty now devolves upon the Trustee, who has ample powers under the Bankruptcy Act both for examining the parties concerned and for obtaining the judgment of the Court upon any question involved.

PERMANENT PENSIONS.

MR. SEYMOUR KEAY: I beg to ask the Secretary to the Treasury whether the Law Officers of the Crown have been recently consulted, and have recorded the grounds on which they "consider to be permanent in character" the payment of £965 hitherto made yearly to the Duke of St. Albans as Master Surveyor and Keeper of the Hawks; that to the Duke of Hamilton of £45 10s. yearly as Keeper of the Palace and Gardens of Holyrood; and that to the Marquess of Downshire of £54 3s. 4d. as Constable of the Fort of Hillsborough; and whether he will communicate such grounds to the House; whether he will give the names of the persons to whom the sums of £50 and £37 15s. 4d. are paid yearly, as Deputy Keeper and Porter of Holyrood; also the names of the present recipients of £162 10s. yearly as Warders of the Fort of Hillsborough; whether he will explain what "real and substantial saving to the Nation" is gained, as per recommendation of the Select Committee of 1887, by the Treasury disbursing 26·945 years' purchase to Lords Exmouth and Rodney; and whether he will give an approximate date at which any "obligation of an onerous kind" ceased to attach to the offices of Constable of the Fort of Hillsborough and Master Surveyor and Keeper of the Hawks?

MR. HANBURY (Preston): Before the right hon. Gentleman answers that question, will he state how much of the sum of £965 is for the employment of persons who are not employed, and for the keep of birds which are not kept?

MR. JACKSON: Perhaps my hon. Friend the Member for Preston will be good enough to put his question on the Paper. With regard to the question of the Member opposite, I have to say that the Law Officers of the Crown have been recently consulted on the permanency in character of all the existing perpetual pensions, allowances, &c., with the exception of the payment to the Marquess of Downshire as Constable of the Fort of Hillsborough, which case has been on two previous occasions referred to the Law Advisers of the day. The opinions given by the Law Officers, who had all the original grants before them, have been to the effect that all the payments in question, including allowances, are legally and permanently binding; but it would be contrary to practice to make public the grounds (if any be recorded) on which these legal opinions are based. The names of the Deputy Keeper and Porter of Holyrood are Mr. James Auldjo Jamieson and Robert Morrison respectively. The payment in respect of the Warders of the Fort of Hillsborough is made direct to the Marquess of Downshire, and, therefore, the names of the present recipients of the pay are not known to the Treasury; but I can obtain them if the hon. Member desires to have them. The amount of Government securities yielding annual dividends equal to the amount of each of the perpetual pensions of Lord Rodney and Lord Exmouth, which is the true measure of the cost to the taxpayer of such pensions, would, at the present price of Consols, be £75,000, whereas, under the present proposal, each of the grantees will receive a capital sum of £53,890—that is, less than the equivalent in Consols by £21,110 in each case, or less by 28 per cent. The Treasury are not in a position to give an approximate date at which any obligation of an onerous kind ceased to attach to the offices of the Constable of the Fort of Hillsborough and the Keeper of the Hawks; nor probably could this information be given by the annuitants themselves, unless their family records happen to be unsuually complete.

MR. SEYMOUR KEAY: Arising out of that answer will the right hon. Gentleman kindly say how it is that the Treasury have advised that the payment of £162 10s. should be continued yearly during the lifetime, or until the resignation, of persons of whose identity they were unaware?

MR. JACKSON: The hon. Gentleman will be good enough to give notice of that question.

SIR G. CAMPBELL (Kirkcaldy, &c.): I should like to ask the Secretary to the Treasury whether, in regard to these payments, the Treasury have confined themselves to the legal aspects of the question, and not considered the equity of the case as regards the taxpayers of the present generation?

MR. JACKSON: The hon. Gentleman must give notice of the question.

MR. CONYBEARE (Cornwall, Camborne): Are we to understand from the right hon. Gentleman's reply as to the verdict or opinion given by the Law Officers, that those payments are to be considered permanent in character in the sense that Parliament has no power to put an end to them; and, if so, what becomes of the supposed omnipotence of the British Parliament?

MR. JACKSON: Perhaps the hon. Member will put his question down on the Paper.

COMPOSITIONS FOR SHIPS' BOTTOMS.

SIR WILLIAM PLOWDEN (Wolverhampton, W.): I beg to ask the First Lord of the Admiralty whether Commander Pitt, R.N., beyond his Naval experience and training, has had any technical training to qualify him to watch the results of compositions applied to the bottoms of Her Majesty's ships; apart from the Chairman (Admiral Colomb) were two out of the three members of the Admiralty Committee on Compositions experts, and was the third member (Commander Pitt) simply nominated as a Naval Officer; why was this Committee dissolved; are the two experts who were members of the Committee still in the Service, and is the necessary precaution taken to consult them before Commander Pitt's Reports and recommendations are approved; is Commander Pitt on full pay of his rank, what do his travelling and other allowances amount to per annum, and in what Votes in the Navy Estimates do these items respectively appear; is Commander Pitt now employed in a civilian capacity; and, if so, is not Treasury sanction indispensable; does he take the place of

the expert officers at the dockyards in reporting upon compositions; and how long will he be retained in his present special employment?

LORD G. HAMILTON: Commander Pitt, from constant study of compositions used afloat, has as wide a knowledge of the results of all known compositions as any man in the country, A chemist and a Naval constructor were on the Admiralty Committee on Compositions, and it was dissolved because it was no longer necessary to continue it. The members of the late Committee are still in the Service, and, if necessary, can be consulted. Commander Pitt is on half-pay, but he receives the difference between his full and half-pay—10s. a day—for the days actually employed, with subsistence allowance to cover the expense of living away from home. The payments, including travelling expenses, average £25 a month, or £300 per annum in all. He is not employed as a civilian. Provision is made under Vote 11 of the Navy Estimates for the expense of Committees and for the employment of officers on special Service connected with the Navy at large. For charges to these heads, so long as the provision is not exhausted, the sanction of the Treasury is not required. Commander Pitt, by his services and labours, has largely increased the efficiency of compositions in use in the Navy by reporting against the more costly and less durable compositions, and has thus incurred the hostility of the agents of the disused compositions.

MAGISTRATES FOR TYRONE.

MR. PATRICK O'BRIEN (Monaghan, N.): I wish to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that a Memorial, extensively signed by the clergy of all denominations, a number of County Magistrates, and the principal merchants and farmers, without distinction, of Dromore and district, County Tyrone, was recently presented to Colonel Lowry, Vice Lieutenant of the County Tyrone, pointing out the necessity for the appointment of a Catholic Magistrate for the district, the overwhelming majority of the population of which are Catholics, while the proportion of Catholic Justices are two to nine non-Catholics, and praying that Mr. John M'Loughlan, a Catholic gentleman and independent farmer of the locality, and a member of the Local Board of Guardians, should be appointed to the Commission of the Peace; whether he can say if the prayer of the Memorial was refused, and, if so, on what grounds; whether this is the second Memorial in favour of two Catholics refused within a few months; whether the Lord Chancellor will take any steps to appoint eligible Catholics to the Commission of the Peace; whether any complaints have reached the Lord Lieutenant respecting the conduct of Mr. Alexander, a Justice of the Peace of the Dromore district, and allegations that Mr. Alexander attended meetings of the Orange Society, at which, in Mr. Alexander's presence, and without any expression of dissent or disapprobation from him, violent speeches, inciting to breaches of the peace, were delivered; and whether the attention of the Lord Chancellor will be called to these complaints against Mr. Alexander?

MR. A. J. BALFOUR: With regard to the inquiries in the first two paragraphs, I beg to refer the hon. Member to my reply to a question put on this subject by the hon. Member for Mid Tyrone on 24th June. I am not aware whether a second Memorial was refused; but I am informed the Vice Lieutenant has recently recommended to the Lord Chancellor a Roman Catholic for the Dromore District, and the Lord Chancellor has signed the warrant for his appointment to the Magistracy. No complaints have reached the Lord Lieutenant or the Lord Chancellor of Ireland in regard to the gentleman mentioned in the fifth paragraph.

SHADOWING.

MR. FLYNN (Cork, N.): I beg to ask the Attorney General for Ireland if he has yet received the depositions in the case of Mr. David Kent, who was charged with "shadowing" District Inspector Ball at Fermoy Fair; whether he has received any further information to show that Mr. M'Causland, concerning whom it is alleged that Mr. Kent went towards him "for the purpose of preventing the sale of his lambs," had no lambs nor anything else for sale at the fair that day; and if further inquiry will be made into the case?

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): I hope I shall be able to answer the hon. Member's question on Monday.

MR. FLYNN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the report of the trial of David Kent on a charge of obstructing District Inspector Ball of Fermoy, from which it appears that the Magistrates said that there was

"No evidence to convict, we therefore dismiss the case, but defendant is to give an undertaking not to interfere with Inspector Ball any more;"

and that defendant thereupon, addressing the Bench, said—

"The only undertaking I would give would be that if I am not shadowed myself, and my business injuriously interfered with at the fair, that I would not shadow Mr. Ball;

and if he can state under what statute or authority had the Magistrates power to ask Mr. Kent to give the undertaking above referred to?

MR. A. J. BALFOUR: The statements contained in the first paragraph of the question are inaccurate and misleading. The Magistrates did not discharge, but convicted, and the defendant did not give a qualified undertaking, but a distinct and absolute one, not to interfere with District Inspector Ball or the police, and, in consequence of that undertaking, the Bench ordered him to be discharged at the rising of the Court.

MR. FLYNN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he can now state why was Mr. James O'Brien, at Killeagh Fair, arrested summarily on a charge of shadowing a policeman in plain clothes, instead of being summoned in the ordinary way?

MR. A. J. BALFOUR: Mr. O'Brien was arrested on a charge of persistently obstructing the police. To have proceeded by summons would not have had the effect of stopping the obstruction by which the police were prevented doing their duty.

MR. CRILLY (Mayo, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he is aware that the Royal Irish Constabulary are in the habit of following Mr. Thomas B. Kelly, of Church Street, Claremorris, County Mayo, from house to house in every town he visits in pursuit of his business as a commercial traveller; that in several cases they have followed him into the houses where he has had to call, and have stood by his side while he was transacting his business, even warning shopkeepers against doing business with Mr. Kelly; and whether the police, in pursuing this course, are acting under instructions; and, if so, what are the reasons for placing Mr. Kelly under this police surveillance?

MR. A. J. BALFOUR: The Constabulary Authorities report that, so far as can be ascertained, the police in no instance acted in the manner alleged in the question.

POTATO BLIGHT IN IRELAND.

MR. FLYNN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the reports appearing in the Irish papers of the extension of the potato blight, and the almost complete failure of that crop, in the seaboard and other districts of Cork, Kerry, Waterford, Clare, Limerick, Galway, Donegal, and other counties; and if the Government have any information to lay before the House?

MR. A. J. BALFOUR: The attention of the Government has been drawn, through the Press and other sources, to the indications of potato disease which have appeared in Ireland. We are carefully watching the matter, both through the agency of the Local Government and the Land Commission. Anything that can be legitimately done to mitigate any suffering caused by the potato disease shall be done.

MR. SEXTON (Belfast, W.): I should like to ask the right hon. Gentleman whether his attention has been drawn to the Reports made by the Inspectors of the Local Government Board on this subject. It is there stated that the prospects are alarming in the extreme. I would ask the right hon. Gentleman whether he will lay on the Table copies of the Reports already made by the Inspectors; and whether he will give the House an assurance that the Board will take steps to anticipate the possible famine?

MR. A. J. BALFOUR: No, Sir. I cannot give an undertaking that the Local Government Board will anticipate any calamity that is likely to occur, but I will undertake to say that they will watch events, and anything which can be done to mitigate the suffering which may be caused shall be done. The Reports have been of an informal character, but if the hon. Gentleman wants a formal Report it shall be made.

MR. FLYNN: Will the right hon. Gentleman give instructions to the Local Government Board to give authority to the Boards of Poor Law Guardians to deal with the question of outdoor relief in a more liberal manner than hitherto?

MR. A. J. BALFOUR: I can give no undertaking of that kind. It would be a very grave step indeed, and I see no reason at this moment to anticipate that this will be necessary.

RATING OF LUNATIC ASYLUMS.

MR. SALT (Stafford): I beg to ask the President of the Local Government Board whether he will consider how far some general rule can be laid down for the rating of lunatic asylums, in order that an intelligible and uniform system of rating such institutions may be adopted, and the expense and inconvenience of appeals may be avoided.

*MR. RITCHIE: The Local Government Board have no authority to prescribe general rules for the rating of lunatic asylums. If the Board were to attempt to lay down general principles, the rules so laid down would in no way be binding either upon the assessment committee or on the asylums to be rated. Moreover, it must be borne in mind that in connection with the assessment of a lunatic asylum the particular circumstances of each case must be considered. Under these circumstances, I do not think that it is desirable that the Board should act upon the suggestion of my hon. Friend.

THE ROYAL COLLEGE OF SCIENCE, DUBLIN.

MR. SEXTON: I beg to ask the Vice President of the Committee of Council on Education, whether the statement, that of five Professors appointed to the Royal College of Science, Dublin, within the last 20 years only one has been an Irishman is correct, or whether it refers only to the Professors still holding positions in the College; whether he is aware that as many as nine appointments to Professorships in the College have been made within a period of 18 years, and that only one of the nine gentlemen appointed has been an Irishman; and whether he can give any explanation of the parallel case that, of the recent appointments made by his Department to the Science and Art Museum in Dublin, none have been given to Irishmen?

THE VICE PRESIDENT OF THE COUNCIL (Sir W. HART DYKE, Kent, Dartford): My answer referred to the Professors now holding appointments in the Royal College of Science, to whom I understand the hon. Member alluded in his question. In regard to the nationality of the Professors who have been appointed within the last 18 years, but are since resigned or dead, I am afraid I can speak with no certainty, but it is quite possible that the hon. Member is substantially correct. Of the present superior staff of the Science and Art Museum, including the Metropolitan School of Art and Botanic Gardens, three were appointed by competitive examination, and eight by various Lords President. Of the former —those appointed by competitive examination—I believe none are Irishmen; and of the latter, those appointed by nomination, all except one are, I believe, Irishmen.

NEWFOUNDLAND.

SIR GEORGE CAMPBELL: I beg to ask the Under Secretary of State for the Colonies if the Naval officers on the coast of Newfoundland were acting under the instructions of Her Majesty's Government; if he can yet say whether it is true that Captain Sir Baldwin Walker, R.N., has taken off the embargo on Mr. Baird's lobster factory, and is to pay damages; if it is true that the statute enabling the Crown to give effect to the Treaty of Versailles on the Newfoundland coast has been repealed; and, if so, when and under what circumstances it has been repealed; and if Her Majesty's Government find themselves unable to enforce the *modus vivendi*?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): In answer to the first part of the hon. Member's question, I have to state that the Naval officers on the coast of Newfoundland do act under instructions from Her Majesty's Government. In reply to the second part of the question, I have to say that no such information has been received. In answer to the third part of the question, my reply is if the hon. Member refers to Act 28 Geo. III., c. 35, that Act was repealed by the Statute Law Revision Act, 1871. It has long ceased to be operative, for it only purported to give effect to the Treaty of 1783, which was terminated by the subsequent war. French fishing rights are now derived from the Treaty of 1814, which replaced them on the same footing as they stood on in 1792. An Act of 5 Geo. IV., c. 51, was afterwards passed, giving effect to any Treaties respecting Newfoundland which were then in force. This was a temporary Act, but was continued by 2 and 3 William IV., c. 79, until December 3, 1834, when it lapsed. As regards the fourth question, Her Majesty's Government do not find themselves unable to enforce the *modus vivendi*.

SIR G. CAMPBELL: May I further ask whether the right hon. Gentleman understands that the *modus vivendi* is being enforced at the present moment, and whether all the reports which have appeared in the public prints for some days past, and which are of so much importance that anything of the kind must have been reported to the Government, are unfounded?

*SIR J. FERGUSSON: The Secretary of State has not received any information to that effect on the question.

*SIR G. CAMPBELL: Does the right hon. Gentleman believe the *modus vivendi* is at this moment being enforced?

*SIR J. FERGUSSON: I have every reason to believe that it is, and I believe it is the subject of judicial trial.

MR. E. ROBERTSON: The right hon. Gentleman declined the other day to answer a question as to the legal authority under which the officers were acting, on the ground that legal proceedings were pending against Sir Baldwin Walker. Has he now ascertained whether these legal proceedings were concluded?

*SIR J. FERGUSSON: No, Sir; I believe not.

LEEWARD ISLANDS—IMPORT DUTIES ON FOOD.

ADMIRAL FIELD (Sussex, Eastbourne): I beg to ask the Under Secretary of State for the Colonies whether his attention has been called to Report 101 (Colonial), St. Kitts-Nevis, pages 9 and 10, recommending the abolition of the Import Duties on Food, and Export Duties on other articles; and whether the Secretary of State will give effect to the representations made therein by Mr. Eldridge in that respect?

*BARON H. DE WORMS: The Secretary of State has read the Report referred to, which was written in 1887. Successive Secretaries of State, before and since the date of that Report, have impressed on the Governors of the Leeward Islands the expediency of abolishing or reducing the Import Duties on Food, but it has not hitherto been found possible to provide from other sources the revenue derived from these duties. The Export Duties in St. Kitts have been almost entirely abolished since the date of the Report in question, and the remainder will expire before long.

EVICTIONS IN THE WEST CALF ISLANDS.

MR. DILLON (Mayo, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Government intend to supply Mr. Marmion with a gunboat or with the boats of the Coastguard to aid him in evicting tenants on the Middle Calf or West Calf Islands, off the west coast of Cork?

MR. A. J. BALFOUR: I think I must ask the hon. Member for further notice of this question.

MR. DILLON: I wish to point out to the right hon. Gentleman that the matter is extremely urgent, and that there is much complaint on the subject. However, I feel that I have given the right hon. Gentleman very short notice of this question, which I will repeat on Monday.

LIGHT GOLD.

SIR W. HARCOURT (Derby): I beg to ask the Chancellor of the Exchequer

whether he will state what further measures he proposes to take for the purpose of calling in light gold coin?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): I regret that the state of public business has not allowed me to bring in a Bill to establish a Coinage Fund and to provide for the further calling in of light gold, which I have prepared and which is in draft. The Bill is not controversial, but still I cannot deny that it is one on which it would be impossible to refuse some discussion, and therefore I have not pressed it. But I confidently hope it may be passed in the present financial year, and as its principal proposal would not have come into operation before the 1st of April, I do not think there will be any real loss of time.

EUROPEAN COMMERCIAL TREATIES.

MR. J. M. MACLEAN (Oldham): I beg to ask the President of the Board of Trade whether he is aware that much dissatisfaction prevails in Lancashire regarding the constitution of the Committee on European Commercial Treaties, as there is no member of the Committee connected with the cotton industry except Sir Joseph Lee, who represents the merchants rather than the spinners and manufacturers.

*SIR M. HICKS BEACH: No, Sir, I am not aware that much dissatisfaction prevails in Lancashire on this subject. Sir Joseph Lee is a spinner, weaver, and printer, as well as a merchant. I have, however, received representations from Oldham to the effect that that town desires special representation on the Committee, but it is impossible to comply with such requests from individual towns. The points which gave so much trouble in 1881 were not so much on the yarn duties as on the textiles, with the various surcharges for embroidery, printing, &c.

THE BANKRUPTCY ACT.

MR. BRADLAUGH (Northampton): I beg to ask the President of the Board of Trade whether he has received a communication from Messrs. James, of Merthyr Tydvil, alleging certain hardships pressing upon executors under the working of the 125th section of "The Bankruptcy Act, 1883;" and whether he will, during the recess, consider the advisability of some amendment of the Act in this respect?

*SIR M. HICKS BEACH: The Board of Trade received, on the 23rd instant, a communication from Messrs. James, alleging certain hardships said to have been sustained by themselves and clients in connection with the administration of an insolvent debtor's estate, under Section 125 of the Bankruptcy Act. I am not satisfied that these allegations are well founded; but as the matters in dispute have, at the instance of the Official Receivers, been set down for hearing by the Judge of the Merthyr Tydvil Court on the 7th August next, I must decline to express any opinion upon the question raised by the hon. Member until after such hearing has taken place.

GRANTS TO COUNTY COUNCILS.

MR. ESSLEMONT (Aberdeen, E.): I beg to ask the Chancellor of the Exchequer to what specific local rates County Councils may apply the additional grant in aid from the Excise Duty not allocated by Parliament; whether under the Local Government (Scotland) Act, rates payable by proprietors are consolidated on an average of 10 years; whether it will be in the power of County Councils to apply the whole of the grant in aid for the reduction of the local rate falling to be paid by the landlords; and whether it is or is not possible to give any relief to householders whose rents are under £4?

*THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): I have been asked to reply to this question. The rates which are levied by the County Councils are County General Assessment, Police, Registration of Voters, Lunacy, Militia, Sheriff Court-houses, Road, and Public Health. With the exception of the last two, these rates were all, prior to the Local Government Act of last year, paid by owners only, and under the provisions of that Act they continued to be paid by owners only up to the average of the last 10 years. Above that average they are paid equally by owners and occupiers, and the Road and Public Health Rates have always been, and continue to be, paid by owners and occupiers equally. The determination of the specific local rates levied by County Councils to which the additional grant may be applied is

left entirely to the Councils themselves. It would be in the power of the County Councils to select for relief a rate which, up to the average of the last 10 years, will continue to be paid by owners only. It would, on the other hand, be equally open to a County Council to select for relief a rate payable half by owners and half by occupiers. With reference to the last paragraph, the hon. Gentleman seems to have overlooked the fact that, as regards county rates, there is no exemption of ratepayers under £4, except on the ground of individual poverty, and, accordingly, the relief from the rates will be equally beneficial to them as to all others.

SALE OF BILLS AND TELEGRAPH TRANSFERS IN INDIA.

MR. J. A. CAMPBELL (Glasgow and Aberdeen Universities), on behalf of Mr. JARVIS: I beg to ask the Under Secretary of State for India what were the sales by the Indian Council of bills and telegraphic transfers during the months of March, April, and May, of this year, and also the sales during the corresponding months of last year?

THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): The sales of bills and transfers during March, April, and May this year were Rs.8,29,00,000, against Rs.6,55,48,015 in the corresponding months of 1889.

INDIAN EXCHEQUER AND THE RATE OF EXCHANGE.

MR. CALEB WRIGHT (Lancashire, S.W., Leigh): I beg to ask the Under Secretary of State for India by what amount in sterling does the Indian Exchequer benefit by an advance in exchange of one penny per rupee per annum; and if the Indian Council is not receiving for bills at the present time 3d. per rupee more than was obtained when silver was selling at 3s. 6d. per ounce or under; and, if not, 3d. per rupee, how much is the present rate higher than the lowest rate?

SIR J. GORST: The gain produced by the rise of 1d. varies with the rate of exchange. The gain by a rise from 1s. 6d. to 1s. 7d. is Rx.1,100,000. Council bills are fetching 3d. per rupee more than when silver was at 3s. 6d. per ounce.

MR. CALEB WRIGHT: The right hon. Gentleman has not answered the second part of the question.

SIR J. GORST: The answer to the second part of the question is, Yes.

IRELAND—GOREY CONSPIRACY CASE.

MR. SEXTON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the attention of the Irish Government has been drawn to the charge of the Lord Chief Baron in the "Gorey Conspiracy Case" at the Wicklow Assizes, and to his Lordship's declaration of law, namely, that no person in the absence of contract was bound to deal or trade with anyone against his own will; that any attempt to press the Criminal Law, so as to force people to deal with others against their will, was against the law, and must lead to nothing but confusion; and that this principle as to individual traders was applicable to traders acting in combination, provided that such combinations were voluntary and not inspired by a malicious desire to inflict unnecessary harm; whether, since the passing of the Criminal Law and Procedure (Ireland) Act of 1887, numbers of persons in Ireland have been convicted by Resident Magistrates, and sentenced to terms of imprisonment, with or without hard labour, for what the Lord Chief Baron has now declared to be lawful; whether the number of persons so convicted and imprisoned can be approximately stated; how many persons are now in prison in Ireland upon convictions contrary to the law as declared by the Lord Chief Baron; whether they will now be set at liberty; whether any compensation will be made to them; and whether the Irish Government will inform the Resident Magistrates of the state of the law?

MR. A. J. BALFOUR: All the information at present at my disposal upon this subject is derived from the newspapers; but I have no antecedent grounds for doubting the substantial accuracy of the hon. Gentleman's version of a portion of the Chief Baron's charge. With regard to the latter part of the question, I have to say that no persons in Ireland have been convicted for any proceeding which the Lord Chief Baron now declares to be lawful; but that, on the contrary, it appears to me the Lord

Chief Baron has, in his charge, given emphatic sanction to the views as to the law of criminal conspiracy which have been hitherto taken by Resident Magistrates, County Court Judges, and (on case stated) by the Superior Courts.

MR. SEXTON: I beg to ask whether it is not the fact that in the Kanturk, Killeagh, and other cases, men have been sent to prison for boycotting, against whom there was no evidence of compulsion or malice; and whether Mr. J. Fitzgibbon, who has been three times sent to prison, has been imprisoned for refusing to sell a necessary of life—namely, an ostrich feather, to the wife of a land-grabber?

MR. A. J. BALFOUR: I emphatically dissent from every statement made by the hon. Member, but it is impossible to re-argue the question now, at question time.

MR. DILLON: May I ask the right hon. Gentleman whether, in the case of the two men acquitted by the jury in the Gorey case, after the charge of the Lord Chief Baron, the Government will consider the question of indemnifying the men for the great expenses to which they have been put by this groundless prosecution?

MR. A. J. BALFOUR: No, Sir, it would be contrary to all precedent.

MR. SEXTON: Do I understand the right hon. Gentleman to say that no one is in prison now in Ireland for having refused to sell, no evidence of malice having been produced at the trial?

MR. A J. BALFOUR: My statement is that nobody is now in prison in Ireland who is not guilty of an offence described by the Lord Chief Baron as an offence against the law.

MR. J. MORLEY (Newcastle-upon-Tyne): The right hon. Gentleman promised to lay this very important charge upon the Table.

MR. A. J. BALFOUR: I am in communication with the Lord Chief Baron now.

POSTAL COMMUNICATION WITH CYPRUS.

ADMIRAL FIELD (Sussex, Eastbourne): I beg to ask the Under Secretary of State for the Colonies whether the Secretary of State has considered the question of improved postal communication with Cyprus, in view of the earnest representations made from time to time by the merchants and residents of the island, by special petition to this House and otherwise; whether, since the subsidised mail service has been discontinued, it takes 12 and often 13 or more days for letters to reach the island, instead of six and a half days whilst the mail contract was in force; whether complaints have reached him that the abolition of the regular mail service has had a serious effect upon the trade of the island, and with this country especially; whether he is aware that it has been proposed to remit the "light and port dues" in Larnaca and Limasol to any line of steamers running direct, and under postal contract, with a weekly mail from Egypt, in lieu of a regular subsidy; and whether he will confer with the Postmaster General on the subject, with a view to inviting tenders on this basis, and thus obtain a great service and benefit for the island at no cost to its exchequer?

BARON H. DE WORMS: The question of improved postal communication with Cyprus has, at various times, occupied the attention of Secretaries of State, but not lately, as the present arrangements are considered as satisfactory as the financial resources of the island will admit. It does take from 11 to 13 days for letters to reach the island. The time formerly occupied was usually about six and a half or seven days; but the connection with the Brindisi express sometimes failed. As regards the third paragraph of the question, no such complaints have reached the Colonial Office for a long time; and as trade and shipping Returns show an increase, it is not probable that such complaints will be made. With respect to the concluding paragraphs, we have not had any such proposals made to us by any shipowner to perform a weekly direct service on these terms. If such a proposal is made it will receive attentive consideration.

ASSAULT ON A SUPERIOR OFFICER.

MR. CONYBEARE (Cornwall, Camborne): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether a soldier named Lee was last year a prisoner in Derry Gaol, undergoing a sentence of two years with hard labour, for having committed a violent assault upon his superior officer, by a

Judge in a Court of Justice; and whether he is confined in Derry Gaol, or whether he has been removed, and to what other prison?

MR. A. J. BALFOUR: I shall be obliged if the hon. Gentleman will defer the question.

GRENADIER GUARDS.

MR. CONYBEARE: I beg to ask the Secretary of State for War whether he will lay before Parliament the defaulter sheets of the men belonging to the 2nd battalion Grenadier Guards who have been sentenced by a Court Martial to prolonged terms of imprisonment with hard labour?

*THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): No, Sir; I do not think that any useful purpose would be served by their production.

MR. CONYBEARE: I did not ask whether any useful purpose would be served, but whether, for our information, the right hon. Gentleman would lay the defaulter sheets before us. I would ask him whether he is aware that the sentence of two years' imprisonment inflicted on one of the men is the same punishment as that which has been inflicted on a soldier named Lee for a violent assault on his superior officer?

*MR. E. STANHOPE: I have no information on the subject referred to. I am perfectly clear it would not be advisable to lay the defaulter sheets before the House.

MR. CUNINGHAME GRAHAM (Lanark, N.W.): I beg to ask whether the character of the men punished has not been exceedingly good hitherto?

*MR. E. STANHOPE: Any circumstances of that kind would, no doubt, be taken into consideration by the Court Martial.

MR. CUNINGHAME GRAHAM: I wish to ask the right hon Gentleman whether he, as Secretary for War, knows whether the characters of the men punished were good or bad up to this time?

MR. DILLON: May I ask whether the fact of a soldier having a good character and long service is considered as a ground for increasing the severity of his sentence?

*MR. E. STANHOPE: No, Sir; certainly not.

MR. CONYBEARE: May I ask if we are to understand that conduct such as that which has been punished in this case is to be placed on a par with the much graver offence of violently assaulting a superior officer, which is visited with similar punishment?

*MR. E. STANHOPE: No, Sir.

MINERS' DISEASE IN CORNWALL.

MR. CONYBEARE: I beg to ask the Secretary of State for the Home Department whether he has yet received from Mr. Pinching his written Report on the prevalence of Miners' Disease among the miners of Cornwall; whether he will lay it upon the Table when he has got it; whether he can state upon what evidence, taken since 1888, the Government have decided to introduce legislation to deal with the question; and whether such legislative proposals are to be based upon the opinion of Mr. Pinching that, except for omission on the part of the miners, there is no danger from this form of disease, the ventilation and general arrangements of the mines being, in his opinion, all that can be desired?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): Yes, Sir; I have received the Report I asked for from the Inspector as to the alleged insanitary condition of the mines in Cornwall. I will send a copy to the hon. Member, but I do not propose to lay it on the Table of the House. The Government have not been moved by fresh evidence since 1888 to contemplate legislation with regard to metalliferous mines. Early in that year the Inspectors, at my request, furnished me with suggestions for improving the general efficiency of the existing Act, and, among other things, for securing better ventilation and lessening the dangers from ladder-climbing. With respect to these last two matters, I am glad to say that a greatly improved state of things now exists.

MR. CONYBEARE: I would ask the right hon. Gentleman if he will consider the propriety of granting me Return No. 6, for which I have a Motion on the Paper? I will not press for a reply now, but will repeat the question on a future occasion.

THE GOVERNMENT AND THE BISLEY RANGES.

MR. HOWARD VINCENT: I beg to ask the Chancellor of the Exchequer if, having regard to the national and educational work of the National Rifle Association, to the fact that the Bisley Ranges have been lent for several weeks to the Aldershot Division for volley firing, and also to the difficulty experienced in raising from the public funds, found in other countries for like purposes by the State, Her Majesty's Government will consider the recommendation of a grant to the Association sufficient to cover the unavoidable cost of its move from Wimbledon to Bisley from the extra money at its disposal from the increased taxation on alcohol?

MR. GOSCHEN: The answers I have already given with regard to the allocation of this money will make it clear that I cannot undertake to submit to Parliament the proposal suggested by the hon. Member.

SCOTLAND AND THE LOCAL TAXATION BILL.

MR. BUCHANAN: I beg to ask the Chancellor of the Exchequer what is the amount of residue to be given to the County and Town Councils in Scotland under his Amendments to Clause 2 of the Local Taxation (Customs and Excise Duties) Bill, and what sums will be given to Edinburgh, Glasgow, Dundee, and Aberdeen under his proposal?

*MR. J. P. B. ROBERTSON: Perhaps the hon. Member will allow me to answer the question. The amount to be given to the County and Town Councils in Scotland under the Amendments referred to in the question will be about £49,000. The proportions payable to the four towns named will probably be respectively: Edinburgh about £4,600; Glasgow about £7,200; Dundee about £1,400; Aberdeen about £1,100.

THE STRENGTH OF THE GUARDS.

MR. LABOUCHERE: I beg to ask the Secretary of State for War whether he will grant the Return as to the strength of the Guards, of which notice appears on to-day's Paper?

*MR. E. STANHOPE: I am unable to grant the Return asked for by the hon. Member; but I have no objection to tell him that the number of men in the different battalions of the Guards in London was by the last Return:—1st Battalion Grenadier Guards, 789 of all ranks; 2nd Battalion Grenadier Guards, 809 of all ranks; 1st Battalion Coldstream Guards, 693 of all ranks; 1st Battalion Scots Guards, 699 of all ranks; 2nd Battalion Scots Guards, 710 of all ranks. The establishment of the bands is, in the Grenadier Guards, 60; in the Coldstream Guards and Scots Guards, 40; but, in addition to these numbers, acting bandsmen are appointed, whose numbers vary from time to time.

THE GWYLWYS SETT STONE QUARRY.

MR. LLOYD-GEORGE (Carnarvon, &c.): I beg to ask the Secretary to the Treasury whether the Commissioners of Woods and Forests have granted a lease of the Gwylwys Sett Stone Quarry, in the parish of Pistyll, Carnarvonshire; if so, to whom, for what term, and subject to what dead rent and royalties; whether such a lease contains any proviso for re-entry in the event of the quarry not being worked for a certain time; and if there be such a provision, whether it has been enforced?

A LORD OF THE TREASURY (Sir H. MAXWELL, Wigton): I am informed that negotiations are in progress for the grant of a lease of the quarry referred to, but no lease has been granted. The lease, if granted, will contain a provision for re-entry in the event of the quarry not being worked.

THE CENSUS.

MR. LLOYD-GEORGE: I beg to ask the President of the Local Government Board whether, in the tabulation of the statistics of the Census, he will direct that a compilation shall be made of the number of children of school age under the Elementary Education Acts?

*MR. RITCHIE: The question whether the ages of children between 10 and 15 years should be separately shown in the Census Returns, instead of the children being included in one group, was considered by the Census Committee; but they did not deem it necessary to recommend that this should be done, the views

of the Registrar General's Department being distinctly opposed to the proposal.

MR. THOMAS ELLIS (Merionethshire): Is the right hon. Gentleman aware that School Boards are constantly put to large expense by the making of these local inquiries in conformity with the regulations of the Education Department, and, in view of this expenditure and in the interest of public education, will he re consider this matter, and have a separate heading for school children on the Census Paper?

*MR. RITCHIE: I have not come to any decision on the matter. The question only appeared on the Paper to-day. We have given effect to the Report of the Census Committee, but it is quite open to us to re-consider the matter in regard to school children.

RESIGNATION OF COLONEL MAITLAND.

SIR G. CAMPBELL: I beg to ask the Secretary of State for War if he has observed that Colonel Maitland, of the Grenadier Guards, wrote to the papers to say that he had not resigned; if Colonel Maitland has, nevertheless, been treated as having resigned, and is retired on half-pay; and if that step is the result of an inquiry showing that Colonel Maitland is so much in fault as to justify his removal, or is a mere temporary removal, leaving the officer eligible for future employment?

*MR. E. STANHOPE: Colonel Maitland, after writing to the papers saying that he had not resigned, re-considered the matter, and voluntarily tendered his unreserved resignation, which was accepted, and, accordingly, he has been placed on half-pay.

SIR G. CAMPBELL: May I ask whether the inquiry showed that the mutiny of the Guards was due to the harsh conduct of Colonel Maitland?

*MR. E. STANHOPE: I have already stated that I think it would be contrary to the interests of the Public Service to say what the inquiry showed.

THE GUARDS AND FOREIGN SERVICE.

SIR G. TREVELYAN (Glasgow, Bridgeton): I beg to ask the Secretary of State for War whether it is the intention of the Government that the Guards shall henceforward take their turn of foreign service with the rest of the Army?

*MR. E. STANHOPE: No, Sir.

APPOINTMENTS IN THE POST OFFICE.

MR. SUMMERS (Huddersfield): I beg to ask the First Lord of the Treasury whether he will consider the advisability of taking the right of nomination to certain appointments in the Postal Services out of the hands of the Patronage Secretary to the Treasury, and of placing all such appointments in the hands of the Department that is responsible for the efficient administration of the Service in question?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): The question is one that is receiving the consideration of the Government, with the view of securing efficient administration.

NAVAL ADMINISTRATION.

ADMIRAL MAYNE: I beg to ask the First Lord of the Treasury whether he will take care that an opportunity shall be offered, before it is too late in the Session, for the discussion of that part of the Royal Commission on Naval and Military Administration which relates to the Navy, as to which, so far, no opportunity has occurred?

*MR. W. H. SMITH: I hope that such an opportunity may arise; but in the present condition of business, I am not able to name any day for the discussion of the subject.

FEMALE TYPISTS IN GOVERNMENT OFFICES.

MR. BRADLAUGH (Northampton): I beg to ask the First Lord of the Treasury whether the permission given by the Treasury to Departments of the Civil Service to employ female typists is, or will be, conditional on the Department publicly announcing the intention to appoint such persons, and on its making the appointments after competitive examination of the candidates; or whether, in introducing female typists into the Service, the Government propose to recognise a return to the system of appointment by private patronage without examination by the Civil Service Commissioners, notwithstanding such a system has long since been practically

abolished as regards the appointment of men?

*MR. W. H. SMITH: The employment of female typists has been as yet experimental, and Departments have made their own selection of typists. There is little doubt that this form of labour will be generally adopted in the Public Service, and the Treasury will have to consider the general conditions under which female typists will be employed.

MALTESE MARRIAGE LAW.

MR. SUMMERS: I beg to ask the First Lord of the Treasury at what date it was first made known to the Authorities in this country that the marriages of Protestants with one another and of Protestants with Roman Catholics in Malta were contrary to law, unless celebrated according to the form established by the Council of Trent?

*MR. W. H. SMITH: In 1865 by the Crown Advocate of Malta, who is now Chief Justice; but (1), as regards marriages between non-Roman Catholics under licence from the Governor or Bishops, or otherwise, he advised that they had received a degree of recognition which constituted a *consuetudo abrogatoria*, and were, in his opinion, valid; and (2), as regards marriages between a Roman Catholic and a non-Roman Catholic, he advised that they could only be legally celebrated by a Roman Catholic priest in accordance with the forms of the Council of Trent.

MR. SUMMERS: I would ask the First Lord of the Treasury whether his attention has been called to a letter, dated 24th June, 1890, from a gentleman signing himself "Wesleyan Minister," addressed to the Chief Secretary to the Government at Malta, complaining that he had recently been refused a licence to perform a "mixed marriage," on the ground that one of the parties was a Roman Catholic, although licence to perform such marriages had never hitherto been refused, and asking whether the Governor will continue to issue licences for the performance of mixed marriages; and what answer, if any, has been returned to this letter?

*MR. W. H. SMITH: The attention of Her Majesty's Government has not been drawn to the letter in question, of which the Colonial Office have no knowledge.

GUNPOWDER LICENCES IN IRELAND.

MR. SEXTON (for Mr. T. M. HEALY): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he will explain why it is that Messrs. Felix Keirans & Co., a Catholic firm of ironmongers, have been refused a licence to sell gunpowder by the Clones Commissioners on the ground that the firm also held a spirit licence; whether the Commissioners granted a gunpowder licence to J. C. Deiring & Co., Clones, a Protestant firm, who also hold a spirit licence; and do the police object to Messrs. Keirans getting a gunpowder licence?

MR. A. J. BALFOUR: The ground of refusal appears to have been not that indicated in the question, but the want of proper accommodation for storing the powder. The police have no personal objection in the matter.

MR. JUSTICE HARRISON'S CHARGE AT GALWAY ASSIZES.

MR. DILLON: I beg to ask the Chief Secretary for Ireland whether he is now prepared to read the statement of Mr. Justice Harrison at the recent Galway Assizes?

MR. A. J. BALFOUR: The statement is really a private letter addressed to myself, which perhaps the House will not object to my reading. It is in these terms—

"July 23.

"Sir,—I returned from the Galway Assizes last night. I observed in the *Times'* report of the proceedings in the House of Commons on Monday evening that you expressed the wish that I would send you an account of my charge at the recent Galway Assizes. I beg to state that my charge was not committed to writing, nor have I any note of it. The official documents before me showed that a great many outrages were reported from the East Riding of the County Galway, in none of which had any person been made amenable, including the following, namely:—Attempt to murder by explosives, firing at the police, firing into a dwelling-house, arson (three cases), intimidation, killing and maiming cattle, malicious injuries to property, threatening notices, &c., and I was also informed by the Police Authorities that intimidation and lawlessness prevailed to such an extent in certain districts that it was deemed expedient to resort to the course there hitherto unknown of having night patrols of police across country, in place of the ordinary patrols along the roads, with a view, if possible, to check the system of intimidation, &c., which prevailed. Under these circumstances, and feeling very strongly for the people who were the sufferers, I used at the

moment the words 'Lynch law' as reported, but I did not use them in the sense imputed, namely, that lives should be taken, or as an invitation to murder certain individuals in the county, and I am quite certain that my words were not so understood. I believe that my language, though not felicitously chosen, was understood in the meaning intended to be conveyed by me—that it was surprising that the people in the district referred to had not the moral courage openly to assert themselves against the system of intimidation and outrage by which it was sought to terrorise them. This is the meaning in which my words were spoken, and in this sense I believe they were understood."

MR. DILLON: The learned Judge has not in that statement repudiated the language which I find all the Irish newspapers agree in reporting. Under these circumstances I beg to give notice to the Government that I shall put a notice on the Paper to-night impugning the conduct and language of the learned Judge, and on Monday next I shall ask the Government for an opportunity of discussing that question.

MR. SEXTON: I would ask whether there was anything in the Assize Calendar or the Police Reports which justifies a departure from the ordinary course in the Judge's charge?

MR. A. J. BALFOUR: I think I ought to have notice of that question. No doubt with regard to a relatively large area in County Galway intimidation and outrage do prevail.

PUBLIC BUSINESS.

MR. CAMPBELL - BANNERMAN (Stirling, &c.): May I ask the Leader of the House of Commons what course the Government intend to take in regard to Order No. 9 — the Local Taxation (Customs and Excise) Duties Bill?

MR. DILLON: Before that is answered, I would ask if the Government can give an undertaking that Order No. 4—that is the Report of Supply of 16th July—will be taken to-night at 11 o'clock?

*MR. W. H. SMITH: We take the Second Reading of the Anglo-German Agreement Bill first, and the rest of the Orders as they appear on the Paper. The Report of Supply referred to will be taken to-night if reached by 11 o'clock, which I hope will be the case, and if the House is in Committee of Supply at that hour the Government will report Progress for that purpose. The Local Taxation Bill will not be taken to-night.

MR. DILLON: I would venture to urge on the right hon. Gentleman the extreme inconvenience of the course he proposes to take. He hopes it may be possible to reach the 4th Order by 11 o'clock. Everyone knows the right hon. Gentleman can reach it if he chooses to do so. I have remained here four nights in the hope that the Order would be reached before 11 o'clock, but it never has been. I would ask for an undertaking that the Order will be taken to-night at 11 o'clock.

*MR. W. H. SMITH: I am not sure that I am in a position to give that undertaking. It is desired that the Anglo-German Agreement Bill may be read a second time, and at what hour the discussion on that Bill will terminate of course I cannot say.

MR. SEXTON: I desire to ask what course the Government propose to take with regard to the Juvenile Offenders Bill, which has come from the House of Lords? There are circumstances, I may say, which will render it necessary for the Irish Members to offer strenuous opposition to the application of the measure to Ireland.

*MR. W. H. SMITH: If the Irish Members desire it Ireland will be excluded from the operation of the Juvenile Offenders Bill.

MR. BRYCE (Aberdeen, S.): If the Second Reading of the Anglo-German Agreement Bill is taken to-night will the Committee stage be taken on Monday?

*MR. W. H. SMITH: That will be so.

POLICE (SCOTLAND) BILL.

Reported from the Select Committee, with Minutes of Evidence and an Appendix.

Report to lie upon the Table, and to be printed. [No. 324.]

Bill re-committed to a Committee of the Whole House for Monday next, and to be printed. [Bill 398.]

COAL MINES (EXPLOSIONS).

Address for—

"Return showing, with regard to Coal Mines in the United Kingdom, the number, for the last 10 years, of fatal explosions of which notice was required to be given under Section 39 of the Coal Mines Regulation Act of 1872, or under Section 35 of the Coal Mines Regulation Act of 1887, the number of lives lost, and, where such information was included in the notice, or otherwise conveyed to the Inspectors, and is still preserved, the approximate hour of the shift when the explosion occurred, in the following form:—

Name of colliery.	Date of Explosion.	Number of lives lost.	Approximate hour of shift when Explosion occurred.

—(*Mr. Fenwick.*)

CYPRUS (ENFORCED SALES).

Address for—

"Return showing the number of Enforced Sales of Property in the island of Cyprus for the years 1887, 1888, and 1889 (a) at the instance of the Island Government, and (b) at the instance of private parties."—(*Mr. Arthur O'Connor.*)

ORDERS OF THE DAY.

ANGLO-GERMAN AGREEMENT BILL [LORDS.]—(No. 393.)

SECOND READING. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [24th July], "That the Bill be now read a second time."

And which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Philipps,*)—instead thereof.

Question again proposed, "That the word 'now' stand part of the Question."

Debate resumed.

*(5.28.) MR. F. S. STEVENSON (Suffolk, Eye): The greater portion of the Debate last night was occupied by the discussion of a very intricate and important question relating to a constitutional innovation which the Government have brought about by the way they decided to present this measure to the House. Into the merits or demerits of that course it is not my intention to enter to-night, but this I would point out, that if the Government were right—and I do not say they were—in presenting a Bill to this House, it was their bounden duty to take what opportunity they could to enable the fullest possible discussion to be had on the measure. As there was an important constitutional question to be discussed, it was only at a comparatively late hour of the evening that it was possible for the House to address itself to the merits of the proposed arrangement with Germany. Under the circumstances, it appears to me that the course adopted by the First Lord of the Treasury last night in attempting to close the Debate on an arrangement which involves the destinies of half a continent, was very much mistaken, and one to be strongly deprecated. I trust that no such attempt will be made to-night, looking at the large number of Members who are interested in the matter. The immediate interest is, no doubt, connected with the cession of Heligoland, and on that question there are, no doubt, two questions that force themselves upon our attention. The first is, whether the consent of the inhabitants of the island has been obtained to the proposed cession. We are told the Government have made informal and confidential inquiries, but no attempt, apparently, has been made to take, directly or indirectly, the sense of the inhabitants upon the question. The opinion of observers and visitors to the island differ very greatly. One gentleman who called on the Under Secretary yesterday gave him one version, but other gentlemen have given totally different versions as to the opinions of the inhabitants. It seems to me that to hand over territory to a foreign Power without first obtaining a clear expression of opinion from the inhabitants is to

establish a very bad precedent. But there is a second point connected with the cession of Heligoland as to which we are entitled to ask for some explanation. There is reason to believe, from the German military newspapers, that the first act of the German Government will be to construct upon the ceded island extensive and very strong fortifications. A very important article appeared yesterday morning in the *Kreuz Zeitung*. The article opened by saying that the appearance of the article had been delayed until yesterday, because they wished the Second Reading of this Bill to have been passed in the House of Commons before the publication. The information possessed by the publishers of the newspaper as to the doings of the House of Commons appeared to be very faulty. The article went on to attach the greatest importance to the proposed cession of Heligoland, and to admit that the German Press had minimised the importance of the proposed cession of Heligoland in order that the German Government might make a better bargain in South Africa. I hold that the *quid pro quo* obtained for our concessions is inadequate. In the event of war between Germany and some other Power Heligoland would be of vast importance to the former. Therefore, in return for the island we ought to obtain more than we shall under the Agreement. In Africa we are to have the Protectorate of Zanzibar, but that does not amount to very much. The Protectorate will only be over the islands of Zanzibar and Pemba. Formerly this country enjoyed far greater influence on the East Coast of Africa than it will have under this Agreement, for, before the Treaty of 1886, when Sir John Kirk was the keeper of the conscience of Sultan Seyyid Bargash, the influence of this country in East Africa was paramount. The events of the last few years show, what the Government no doubt will admit, that the influence of England on the East Coast of Africa is not what it was five, six, or seven years ago. It seems to me that we are getting back very much less than we actually possessed before. Before we acquire the Protectorate of Zanzibar we have to consult France. We are glad to hear that France is entering into the negotiations in a thoroughly friendly spirit, but surely it would have been more advantageous to this country if we had consulted France at the time of the negotiations with Germany than to arrange with her subsequently. Then, again, there is another point of importance connected with East and Central Africa, and that is that one result of the Agreement will be the perpetuation in Africa of the separation between the British sphere of influence in the north and the British sphere of influence in the south. It will be impossible to get from Lake Tanganyika to the Victoria Nyanza without passing through German territory. A concession from Germany which would have had the effect of preventing this undesirable state of things ought, if possible, to have been obtained. The Agreement should also be considered in its relation to the future development of Southern Africa. There will inevitably, at a no very distant date, be a large influx of British people into Cape Colony, and then it will be necessary to make a new Agreement with Germany with respect to the territories near Walfisch Bay, and we shall be unable to obtain as favourable terms as we might have obtained now. The relations of Germany with South Africa may very likely, in the course of not many years, undergo a great change in consequence of the increase of the area of the German Empire in Europe. The English framers of the Agreement do not appear to have considered what will be the effect upon the course of events in South Africa of the incorporation of the Kingdom of Holland with Germany. In that event, Germany will obtain Amsterdam and Rotterdam, 40,000 able seamen, and all the Dutch colonies, and her interest in the affairs of South Africa will be enormously increased. One would suppose that the commercial interest in Germany connected with the colonies is of so strong and potent a character as to be able to dictate to the Government what course to adopt. As a matter of fact, the German commercial interest in South Africa has been dwindling for some years past. The Report of the German Colonial Society was published a day or two ago, and I noticed from it that, during the last year, no fewer than 1,700 gentlemen have ceased to be members, owing to default in the payment of subscriptions. Her Majesty's Government should have looked ahead

when making to Germany a very considerable concession in the shape of Heligoland. They ought to have obtained a more fortunate arrangement in Africa, from our own point of view. The Government have not obtained the best bargain they could have obtained. No doubt the Agreement is an honest attempt to arrive at a good understanding with Germany, but when any impartial observer looks at the details, he cannot but be struck with the fact that England has not obtained the treatment she might have been able to obtain, and which, undoubtedly, she would have obtained if she had pressed with greater emphasis the claims of the British colonists in South Africa, and if also she had laid greater stress on the importance of Heligoland to Germany, and the regret this country felt at parting with the possession. On these grounds I intend to support the proposal of the hon. Member for Mid Lanark (Mr. Philipps). There was no immediate necessity for an Agreement of this kind. If more favourable terms could have been obtained next year, next year would have done equally well for the making of the Agreement. Surely the people of England and the colonial subjects of the Queen have a right to expect that greater attention would have been paid to their interests in this matter, and that, in view of the influx of a British population into Africa in times to come, greater care would have been taken to maintain unimpaired the interest we have in that country, and to render possible the free development of their energy in that continent. On these grounds I find it necessary to support the Amendment of my hon. Friend. If the Agreement be regarded by the present Government as a final settlement, I think the condemnation it deserves is certainly more severe than any I have endeavoured to pass upon it. But I cannot believe that the Agreement is intended by the Government to be a final settlement of the difficulty. There is no pressing necessity for arriving at an understanding of this kind. The question can wait for a more adequate and a more favourable solution, and I think that, in view of the attitude the German Press is adopting now, it sees that the House of Commons has practically passed the Agreement, the Government may be fairly called upon to consider whether it is not possible to amend the Treaty by subsequent Agreements, dealing with particular parts.

*(5.53.) ADMIRAL MAYNE (Pembroke and Haverfordwest): The question has been divided into two parts, the cession of Heligoland and the advantage we have gained, or otherwise, in Africa. I have been greatly surprised at the views expressed in the House as to the little island of Heligoland. It has been said that the Germans would probably make it a powerful fortification, while one hon. Member has applied to it the title of the Gibraltar of the Baltic. I believe that the gentleman who took the island, in the days before steam, did so describe it, but I also believe that not a single person who is capable of judging would now consider such a title as anything but ludicrous. How can this little island at the entrance to a German river be compared to the gate of the Mediterranean, through which all the traffic to the East must pass? Is England prepared to fortify this island? We have it on the authority of Sir John Coode that it would cost at least £1,000,000 to make a harbour there, and at least £2,000,000 would be required to fortify it. Is any hon. Gentleman prepared seriously to propose to the House that England should fortify the place—an island at the entrance to a German river—considering the present relations between the two countries? If not a *casus belli*, it would at least be the nearest thing to it. The Germans may possibly fortify it to satisfy their feelings of pride and vanity, but they will never do so with the view of holding it in war against us. The possession of the island would have no bearing on a war between this country and Germany. The loss or gain of Heligoland would bring neither country to its knees. A passing ship might amuse itself with a little target practice. It would probably throw half a dozen shells into the place for a morning's entertainment, and, if the Teuton showed his usual sense, he would as promptly as possible get into his steam launch and make for the nearest port on the mainland. It would be an utterly useless risk of life for any Government to attempt to

hold it in the face of a superior fleet. The island would be treated in the way that all such islands have invariably been treated in time of war. They are held by that country which has the biggest fleet in the adjacent waters. If we went to war with Germany we should hold the island if we wanted it, so long as we had a superior fleet in the vicinity, as we held Belle Isle, Houat and Hoedié off Quiberon Bay, Diamond Rock off Martinique, and other islands during the war with France. In that way we should hold it, and in that way will the Germans or any other people hold it if they have a superior naval force. I have never heard a single officer of any rank or position say that Heligoland is of any real value to us, or that we should attempt to hold it if we went to war. We could not attempt to hold the island without a powerful fleet, and nobody could possibly take it from us if we had a superior fleet. If a difficulty arose an enemy would be able to find refuge easily in neutral waters, and the necessity of keeping a constant watch would be a source of endless trouble to us. The hon. and gallant Member quoted the words of admiration used by Mr. H. M. Stanley for Lord Salisbury when the details of the Treaty were made known, and he said that Captain Cameron, another distinguished authority, claimed the arrangement to be a moral and territorial gain to the British Government, and expressed his opinion that the House and the British public would value the opinions of those gentlemen more than those who had given contrary opinions in the House. German influence has for some time existed in Africa, and it ill becomes hon. Gentlemen opposite, whose policy in Africa has never been of the boldest, to upbraid the present Government for parting with what had really been parted with before they came into power. The whole Treaty is well summed up by the German opinion that the "Agreement is a Treaty of Peace of all the more gratifying kind because it has been preceded by no struggle, and because it secures the continuance of friendly relations between Great Britain and the German Empire for an incalculable length of time." I confidently believe that a very large majority of the House will vote for the Bill.

Admiral Mayne

(6.15.) MR. ATHERLEY-JONES (Durham, N.W.): I am prepared at once frankly to admit that I hail with great satisfaction the course which has been adopted by the Government in reducing to the form of a Bill a sanction which has hitherto been absolutely ineffective; and I am not to be deterred from giving my approval thereto by the consideration that that power is to be exercised coequally with the other House of Parliament. The right accorded to the House of Commons of exercising an effective control over Treaty-making is entirely in accordance with the principles which obtain in all democratic and all constitutionally-governed countries. It is a curious fact that in the United States whenever a cession of territory is made the assent not only of the Senate but of the House of Representatives also is required. I turn now to those questions which, after all, are of more practical importance. In the first place, there is the question of Heligoland; with regard to that question, I am bound to say that I think the Government would have done well if they had departed from an old-established precedent, and had established another by obtaining the sanction of the inhabitants to the cession. I will ask the Under Secretary for Foreign Affairs whether the Government have taken the trouble to investigate the precedents in the case? According to all eminent jurists it is not only the universal practice, but a condition of absolute necessity, that in such a case the opinion of the inhabitants should be obtained. The gallant Admiral (Admiral Mayne) has spoken of the little importance of Heligoland, but he sedulously avoided committing himself to any opinion as to what it might become as a possession of Germany. According to German experts, there is good ground for believing that, by the expenditure of £1,000,000, or more, Germany may establish Naval Dockyards in the island, which would contribute very much to enhance her maritime power. However, I am bound to admit that it is of great importance that we should cultivate friendly relations with Germany. Germany is the natural ally of England, and as has been pointed out by the hon. Member for Aberdeen (Mr. Bryce), there has been no occasion on which this country has been brought into conflict with Germany. I

cannot forget that there are troubles with France looming in the not distant future in relation to a portion of the East over which we exercise Suzerain Powers. Previous to 1884 we were practically supreme in Africa, with the exception of the Portuguese possessions. Before that year Germany practically had not made any lodgment in Africa. In 1884, in the Secretaryship of Lord Derby, we made the first concession to Germany. It was contrary to the wish of the German Emperor and of Prince Bismarck that Germany embarked in the business of colonisation. In 1884 we deliberately abandoned the right of exercising a Protectorate over Damaraland, and let Germany in. In 1886, when Lord Granville was at the Colonial Office, the German Colonisation Committee, under Dr. Peters, came and exploited the land lying to the West of Zanzibar. Representations of the strongest character were made to Lord Granville by Sir J. Kirk, and by the Sultan of Zanzibar, who complained that the action of those German exploiters was an infringement of his sovereignty. The reply of Lord Granville was that we could not interfere with a friendly Power in what we believed would be a useful work of colonisation, tending to the benefit of the African people, and to the spread of civilisation throughout Africa. Therefore, Her Majesty's Government found themselves in a position which, whether rightly or wrongly, was formed for them by their predecessors, and they were bound to make an arrangement which would be for the interest of all parties. With regard to Heligoland, I hope before the final settlement that Her Majesty's Government will take the wishes of the people into consideration, as was done in the case of the cession by England to France of the islands of St. Pierre and Miquelon, on the coast of Newfoundland. Personally, I am prepared to support the policy of Her Majesty's Government on this question of the Agreement, which I am glad to find has obtained general approval.

(6.30.) MR. STANLEY LEIGHTON (Shropshire, Oswestry): I do not intend to touch upon the constitutional question. I think it is fortunate that the German Debate took place last night, because it afforded the Government an opportunity of stating their case. But the Government have avoided stating the case with respect to the Cape Colony and South Africa altogether. Several Ministers have spoken, and the Representative of the Colonial Office occasionally entered the House and walked out again. The Government appear to consider that South Africa and our greatest colony there have nothing whatever to do with the matter. Will the Government continue to maintain to the end that secrecy with regard to the opinions of the people on the spot, and is the House of Commons to be asked to pass this Bill without knowing what their fellow-subjects in South Africa think on the question? I know what men of business think, and their opinion is universally adverse to this Anglo-German Treaty. [*Cries of* "No!"] I wish to know whether the Government can bring forward proofs of acquiescence on the part of our South African fellow-subjects in the Agreement? Under the Agreement, all that is given is to be supplied by South Africa, with the exception of Heligoland. Our colonists complain that the great territories of South Africa are now outflanked on the West and on the North; that they are blocked; that a trade route is handed over to Germany from the West Coast right across and touching the Zambesi. They also complain that traders who are British subjects in that country are not very well treated by the Germans. We give up Heligoland, and allow the Germans to stretch their frontier, but we do not insist that the question of the delimitation of Walfisch Bay shall be contained in the Agreement; on the contrary, we leave that question an open one. I ask the Under Secretary for the Colonies to lay before the House the information which he possesses from the Cape Government, or to tell the House the purport of the communications between the Colonial Office and the Cape Government on this subject. It appears to me that the colonists will say, "We have no recognition of our claims; we are not even allowed to make a statement of our claims; the statement of our case is suppressed by the official Department which is bound to protect and to assert the claims and the rights of the colonists." I fear that if the colonists find that they cannot get a sufficient representation through the ordinary official sources they will demand some more reliable channel of communi-

cation with the Government and the House. We are in danger of giving up, for the friendship of Germany, the affection of our colonists. Unless the Government can give an assurance of a re-consideration of the Agreement as regards South Africa, or unless they can state, as I hope may be the case, with authority that the opinion of our fellow-subjects on the spot in South Africa cordially supports the Agreement, I fear that it will be impossible for me to vote for the Bill as it stands.

*(6.50.) MR. G. OSBORNE MORGAN (Denbighshire, E.): I think the Under Secretary for Foreign Affairs, after hearing speeches from his hon. Friends like the speech last delivered, must be inclined to exclaim with Sheridan, "Save me from my friends." I rejoice that the attempt to closure the Debate failed, because I maintain that two days are not too many for the consideration of such an important question. Now, I cannot help asking myself what would have been said of this Treaty had it been brought forward by a Liberal Government, and concluded and signed by a Liberal Ministry. There would have been an outcry raised by hon. Gentlemen opposite, who would have said that the Liberal Government were bartering away British interests, and selling their birthright for a mess of pottage. On the other hand, I cannot help thinking that there is something high-handed in the way in which two great Powers have proceeded to divide territory as large as three first-class European States, and to which they have no more right than I have to any umbrella or any coat to which I may take a fancy in the cloak-room. The whole effect of the Agreement really resolves itself into the question whether Heligoland is worth exchanging against Zanzibar. Military opinions are divided as to the value of Heligoland to Great Britain in time of war; but if the island is of small strategic value to this country, it is admitted to be of great strategic value to Germany, and that fact ought to weigh in a consideration of the Agreement. As to Zanzibar, the concessions to Great Britain in that direction are dependent on the consent of France, and that being so, this is really a tripartite Treaty, while there are only two signatories to the actual Treaty. I should be only too glad to hear that the remaining causes of friction and difficulty with France are to be finally settled, for there is no nation with which it is more important that Great Britain should be on friendly terms. But until I can learn more certainly that this will be the effect of the Treaty under discussion, I cannot vote with the Government, though, on the other hand, I do not feel justified in voting against the Bill, for to do this would be to assume a responsibility which rests, and ought to rest, with the Executive which is in power.

*(7 0.) SIR R. TEMPLE (Worcester, Evesham): After the wholesale, but somewhat diffuse, criticisms which have been indulged in by the Opposition, it seems to me to be high time that a Member on the Ministerial side of the House should rise to offer some defence of the African part of the Anglo-German Treaty. The right hon. Gentleman who has just sat down seemed never to strike home, but yet tried to wound the Government in every way, and last evening the right hon. Gentleman the Member for Aberdeen, and other Members on that side of the House, who seem to think and act with him, criticised the foreign arrangements of Her Majesty's Government in a style which to us on this side of the House was truly refreshing. That right hon. Gentleman seemed, during the greater part of his speech yesterday, to imply that a more spirited foreign policy should have been adopted by Her Majesty's Government, and that they had yielded too much to Germany and to France. According to him we have given in too much to Germany in Zanzibar; to France in the Australasian Archipelago; to Germany, again, at Samoa and other places in the Southern Seas. Yet no sooner is a policy adopted, which virtually means a standing up to perhaps the most formidable of all our rivals in Eastern and Central Africa, than the right hon. Gentleman begins to carp, cavil, and criticise, to disparage, belittle, and minimise all the advantages of the Anglo-German Agreement in Africa. That being the case, I hope the House will bear with me for a few moments while I strive to give a practical summary of the benefits which that Agreement seems to confer on the British Empire in

Africa. The right hon. Gentleman observes that the territories in question are recognised as within the British sphere by Germany alone. Now, I feel sure that these territories are now actually taken over by England, and that she will keep her hold upon them as against any Power in the world. Again, he seems to consider that the territories within the red line are not annexed, and that we have only got freedom or immunity from German interference. But protection and annexation in a country like East Africa virtually mean the same thing. I venture to say that in all these regions there will be one manifest consequence of protection or annexation, namely, the conservation of all the rights of the natives in the land and in the produce thereof. Let me consider for a moment, in the briefest manner, some of the advantages of this Anglo-German Treaty. First as to Zanzibar. I quite admit that up to a very recent date England was supreme in Zanzibar, and in the neighbouring Island of Pemba. I know that for the reason that when I governed Bombay the trade in Zanzibar was financed from that great centre, and that my predecessors in the Government considered themselves as virtually the masters of the island. That may be all very true—it is, indeed, to the natives of India that the prosperity of Zanzibar is attributed, and is attributable. Why, the partition between the kinsmen, the Sultans of Muscat and Zanzibar, took place under British supervision. But if we have drifted into a very uncomfortable position there I rather think it began to happen during the time that the right hon. Gentleman who spoke last was in office; at all events, without saying whose fault it was, we must admit that we have allowed Germany to slide into a very dangerous position of competition and rivalry or participation with us in the supremacy at Zanzibar. All this will be terminated, England will be the sole protector, and her former supremacy is formally restored. Then the right hon. Gentleman who has just sat down spoke of our relations with France in reference to Zanzibar. Well, as regards the relations it is obvious that all the Agreement we have entered into with France is to respect the independence of the Sultan; and that we do respect in the Agreement; but nothing has been said to France about a Joint Protectorate. The result of the Agreement with Germany will be that we shall have a true supremacy, and will never permit France nor any other Power to dispute it with us. Now, what is the position of Zanzibar? It has been described by our rivals as being the key, commercially and politically, of the whole eastern coast of Africa. Outside the British Dominions it is to us the sixth most important stategic point in the world, the other five being Gibraltar, Malta, Aden, Hongkong, and Singapore.

*MR. G. OSBORNE MORGAN: I pointed out the great importance of Zanzibar.

*SIR R. TEMPLE: I am not saying that the right hon. Gentleman did not do so, but I say that on that point the right hon. Gentleman's observations were below par in that part of his description, however just it may have been in other respects. When it is said that we have not obtained a *quid pro quo* for the cession of Heligoland, I contend that we have got an island worth to us ten thousand Heligolands.

An hon. MEMBER: We have not got it.

*SIR R. TEMPLE: We have got it, and in the event of any general disturbance we can make it a strategic point of vantage for England. The right hon. Gentleman, I think, also asked whether there was any point on the coast opposite to Zanzibar under British control. He contended that the coast opposite was under German control. That is indeed true, for the coast there is the German "Hinterland." But I ask the House to recollect that besides Zanzibar there is the Sister Island of Pemba which does come within the red line, as also does the coast line nearly opposite the north point of that island. From that coast we have a stretch of country extending 500 miles inland to the lake region at the head of the waters of the Nile; and, geographically, this is one of the most important positions in all Africa. In that region we have got a range of snow-clad mountains and a country fit for habitation by Europeans. No doubt we shall make settlements there, as we have done in the Himalayas. Besides all this, we have kept Germany

out of two places within that region, where German influence would have been very inconvenient to us—namely, Uganda and Vitu. This alone is worth the cession of many islands like Heligoland. From this region northwards we take over the whole country right up the coast opposite Aden. Turning, again, far southward, I observe that the Stevenson Road comes well within the red line, and, although the width of the strip outside of it may appear to be very narrow on a small map, on the spot it will be a very appreciable belt of British territory, which can, if need be, be made a defensible frontier for us. This is certainly one of the most important lines of communication in Southern Africa, for it connects the Lake Nyassa with the Lake Tanganyika. It is around the shores of these lakes that our missionary posts and our commercial stations are situated. In addition to this, we have got Germany out of the whole region of the Shiré and that portion of the lower valley and basin of the Zambesi. Lastly, I would refer to Damaraland, in the South-West corner of the area under this Agreement. The right hon. Gentleman opposite seemed to criticise our conduct in regard to that territory; but we should remember that in 1884, whether rightly or wrongly, we allowed Germany to assume the protectorate of all that land. When the history of that matter is looked into, it will not be found that our Party on this side of the House is at all responsible for it. But, still, the thing has happened, and what are we doing by this Agreement? My right hon. Friend below me (the Under Secretary of State for Foreign Affairs) will correct me if I am wrong, but my belief is that Germany wanted to reach eastward as far as the 23rd deg. of east longitude, and we have kept her to the 20th deg., thereby saving three degrees of longitude for British interests, and surely that is something. Then, on the whole, I would ask the House to consider what is the sum of this Agreement. According to my reckoning, on the map this Anglo-German Agreement adds one million of square miles to the British Empire. This is a sensible addition to the eight or nine millions of square miles which that Empire has in all parts of the world. This new territory is fertile and capable, under British administration, of maintaining a vast population, of which every man, woman, and child will be consumers of British manufactures. That is something as a prospect for trade. Again, the Agreement secures all the rights and privileges of those enterprising corporations and companies, who by private resources are trying to found a new dominion for us in Africa. Further, and not the least important, it secures protection for our Missionary Societies. [*Cries of* "Oh, oh!"] Hon. Gentlemen below the Gangway choose to sneer at missionary work. ["No, no!"]

*Mr. STOREY (Sunderland): Perhaps as I was one of those who interrupted the hon. Baronet, and should not have done so, he will allow me to explain that I meant no sneer at missionary work; my ejaculation was occasioned by the enunciation of a piece of sham sentiment in support of this proposal.

*Sir R. TEMPLE: Accepting the explanation of the hon. Member, I must yet notice that the description of one of the objects of the Agreement, as being the protection of missionaries in Africa, appears to him to be as "sham sentiment." Well, that opinion of his, against which I protest, may be shared by those who sit with him below the Gangway opposite. But it will not be shared by many hon. Members who sit above the Gangway opposite, and who sympathise with the missionary cause. I repeat that one of the objects sought and attained is the protection of the pioneers of Christian civilisation. And, Sir, I need not dwell upon one great principle which has been in the minds of those who framed this Agreement; one object it will secure; it will strike at the root of the Slave Trade. This is so obvious, after the Debate we had on the subject last year, that I refrain from going into this part of the subject. Despite the interruptions of hon. Members opposite, I say it will afford a means of uprooting the Slave Trade system and stopping the traffic in human beings. I maintain, too, that it is a most important step in the furtherance of Imperial British interests in Africa. The right hon. Member for Aberdeen (Mr. Bryce) was

kind enough to tell us that the Conservative Party will get no credit for this in the coming General Election; but this I know, that the present Government will get credit for this action in my own constituency, and there, and before any of the electors in this country whom my voice can reach, I shall, with confidence, describe this Anglo-German Agreement as one of the most triumphant achievements of the present Government.

(7.20.) MR. LABOUCHERE (Northampton): I hope the hon. Baronet, to whom we entertain the most friendly feelings, may gain the approbation of his constituents. He no doubt will gain the approbation of Government supporters, and therefore he may be perfectly happy without having gained, politically, our approbation by his speech. It was a surprising addition to their long series of blunders that the Government moved the Closure last night. To your restraining hand, Sir, we owe the fact of our being able to discuss this important matter to-night. It does seem to me a most extraordinary blunder, and a most untenable position for the Government to take up. They negotiate a Treaty with a Foreign Government; they insert in that Treaty a condition that it shall receive Parliamentary approval; they start a great constitutional question by their action, and then they move the Closure after two or three hours' Debate. But it would seem the Government would go infinitely beyond this; they consider Lord Salisbury so eminent a Minister that no matter what he does, whatever Bill he puts before us, we ought not to venture to discuss it; we should simply throw up our hands and thank Heaven for sending us such a wonderful Minister as Lord Salisbury. I am led to make this remark after seeing in a newspaper a report of some observations made last night by the Secretary to the Local Government Board to the electors of Warwickshire. He, speaking I presume with the full concurrence of his colleagues, said—

"The fight now going on in the House of Commons as to the Agreement with Germany was a disgrace to the British Parliament."

So it appears it has really come to this: that we are to be called disgraceful if we venture to discuss even for a few moments a great and important Treaty like this, involving the cession and annexation of territory and great constitutional points! It is always an interesting matter to consider whether the messes Ministers get into are brought about by blundering simply or by design. Certainly, after what has occurred during the Session, we may suppose that much of it has been due to ignorance. My right hon. Friend the Member for Derby, who always takes a kindly view of Ministers, suggested last night that they had fallen into this particular blunder on a great constitutional question through ignorance. But I think my right hon. Friend was too kind. I see in this a sinister design. Yes, I do. What happened on the Procedure Committee? In that Committee there was an attempt made on the part of Her Majesty's Government by a side wind to deprive the House of Commons of power over its own Bills, and an attempt to give the House of Lords a greater power over those measures. That attempt, however, was foiled by the watchful patriotism of the right hon. Member for Derby. By means of the present Bill Her Majesty's Ministers hope to be able, again by a side wind, to give the House of Lords greater power over Foreign Treaties; but again there is the right hon. Member for Derby standing in the breach and defending the Constitution from the reckless attacks of right hon. Gentlemen opposite. My hon. Friend and Colleague (Mr. Bradlaugh) generally takes a sound view in political matters; but as I listened to his speech last night, it struck me that his view was not so sound as it ordinarily is. My hon. Friend and Colleague said he should vote with the Government in this matter because in the Bill the Government have attacked one of the prerogatives of the Crown; well, but what is the Crown? The Crown is merely a figure of speech. The Crown means the centre and source of power, and what is the centre and source of power in this country? The House of Commons. The prerogative of the Crown, then, means the prerogative of the House of Commons. [*Laughter.*] If hon. Members who laugh will take the trouble to read constitutional writers, they will find that authorities lay this principle down: that in the nature of things the action of the Crown is taken on the advice of the Executive Ministers, who are responsible to the House of Commons; we have the

power, we have the Crown, and any attack on the prerogative of the Crown is an attack on the prerogative of the House of Commons. Let us look practically at the matter. Hon. Members seem surprised; but if they sit here long enough, I really think they will begin to know something about the Constitution. Let us look at the effect of the change suggested—this bringing in a Bill to give effect to a Treaty. At this moment the Treaty-making power is in the hands of the Executive. What is the Executive? It consists of the representatives of the great Party majority in this House. Consequently, when the Executive makes a Treaty, it has—it must have, in the nature of things—this House at the back of it. But what is the change proposed by this Bill? That you take out of the hands of the Executive the power of contracting a Treaty, and you give the House of Lords the power of vetoing that Treaty. Now, we all know perfectly well that, as the right hon. Gentleman the Member for Mid Lothian has said, the House of Lords is a permanently Conservative Assembly. It is not in any sense of the word a Popular Assembly; it is, in the Party sense of the word, simply a Conservative Assembly. Now, supposing a Liberal Ministry wanted to make a Treaty with a Foreign Power, what would that Foreign Power say? It would say, "No, we will not treat with you, because you will have to submit the Treaty to the House of Lords, and you have not a majority in the House of Lords. The only result will be a waste of time, because you will have to submit the Treaty to the House of Lords, and the House of Lords will not agree to it." Take as an illustration the case of the retrocession of the Transvaal. We know that in the minds of hon. Gentlemen of the Party opposite that appears one of the most monstrous acts ever committed. Well, they had a majority in the House of Lords, and may we not suppose that if it had been necessary to pass a Bill for the retrocession of the Transvaal the House of Lords would have thrown out that Bill? There is not the slightest doubt but they would, just as they would reject this Bill if it had emanated from the Government of the right hon. Gentleman the Member for Mid Lothian. Supposing the right hon. Gentleman for Mid Lothian had proposed to cede Heligoland, Gentlemen opposite would have been up in arms to denounce it as a horrible thing, and the country would have rung with Jingo oratory in defence of the integrity of the Empire. No doubt, the House of Lords, in such circumstances, would reject this Bill for the cession of Heligoland. But I want hon. Gentlemen to see the effect of this attempt to bolster up the view that the prerogative of the Crown is something in opposition to the sense of this House. I will take, for instance, two Bills. Suppose a Bill is introduced to provide that no new Peers should be created without the consent of Parliament. What would be the effect of the passing of such a Bill? The House of Lords would never consent to a Bill creating Liberal Peers, and so only Conservative gentlemen would be sent up to the other House. "So much the better," says an hon. Friend of mine, and perhaps the objection is not so strong as in the other instance I will give. Suppose, again, an attack made on the prerogative of the Crown to dissolve Parliament, and a Bill passed providing that dissolution shall require the assent of Parliament. Again, that would be giving the House of Lords power to prevent a dissolution if they chose, no matter what the will of the House of Commons. So, I say you are taking away power from the popular element in Parliament, while theoretically attacking the prerogative. When we talk of giving power to Parliament we must remember that Parliament consists not only of a Popularly-Elected Assembly, but partly of a permanent, hereditary, Conservative Assembly, and it is very dangerous to take away the prerogatives of the Crown, as you call them, but, as I call them, the prerogatives of the House of Commons, and give them to a Parliament of both Houses. What we say, and what we Radicals have always urged, is that this House ought to be consulted in regard to Treaties—that Treaties ought not to become valid without the consent of the House. Treaties should not be made by Ministers in the dark. The majority here should have an opportunity of expressing an opinion in regard to them. What I think we ought to do in such cases is this. A Treaty is signed by those who have full powers to sign it,

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and it then has to be ratified. Before it is ratified it ought to be submitted to this House, laid on the Table for a certain number of days, and if during that period no action is taken against it, it would be rendered effective. But, in the meantime, the House would have the opportunity of challenging the wisdom of the Treaty. If it were challenged and rejected it would disappear, and the Government would disappear with it. That, I think, would be far better than the scheme the Government has put forward in the present case, namely, that the two Houses should have a veto only under the circumstances which the Government have submitted. I think that the action taken by the right hon. Gentlemen the Members for Mid Lothian and for Derby will make it clear that this is not to be a precedent, and that the Liberal Government will revert to the old constitutional system. With respect to the merits of this particular Treaty, I disagree with a good deal that has been said on this side of the House. I have no sort of objection to the cession of Heligoland. I consider that that island is not of the slightest use for defensive purposes, because we have not even fortified it, and I am afraid that in these days, if a fit of Jingoism happened to be going over the country, we might be called upon at some particular moment to spend a million or two for the fortifications of that place. I am glad we have got rid of Heligoland. We are told it may be of use defensively to Germany. I am glad if that is the case, because I think that the best security for peace is that every country should be strong defensively, and not strong offensively. Hitherto we have wanted Heligoland to be strong offensively against Germany, but Germany wants it to be strong defensively against any Power that may attack her. That is the reason why she has done so much to acquire the island; but it is somewhat absurd that this proposal should be made by Her Majesty's Government, considering that only about three weeks ago, when the hon. Gentleman the Member for Kirkcaldy and myself took the liberty to suggest that Heligoland was a worthless possession, we were denounced sky-high by Her Majesty's Ministers. "What," said the Under Secretary for the Colonies, "This is rank treason! Give up Heligoland, that glorious possession of the British Crown; you will next give up the Isle of Jersey or the Isle of Wight." I cannot understand how it is that after this act of the cession of Heligoland has been done by the Government the right hon. Gentleman the Under Secretary for the Colonies is still found sitting on the Ministerial Bench. I should have thought he would have resigned on the instant rather than have become a partner in their guilt. But no—Ministers do not resign, bye-elections may go against them, public opinion may condemn them, but they have one policy to which they have been true up to the present moment—that of sticking to their places. I must, however, endeavour to relieve the minds of some Gentlemen sitting on this side of the House with regard to the feeling of the Heligolanders. There are some gentlemen on these Benches who have been greatly moved by the thought that the Heligolanders do not wish to have anything to do with Germany, and that they are in a state of utter despair at the cession of their island to that country, whereby they cease to live under the British flag. I would remind those hon. Members that in 1871, while the Franco-German War was going on, a request was made by the French people to the Heligolanders to give them pilots. Well this is what the Heligolanders, whose dream is said to be ever to remain British subjects, replied to that invitation—

> "We, the inhabitants of Heligoland, feel compelled to remind you that we still continue to have German blood in our veins. German is at present, as it ever will be, the language of our schools and our Church. We have no sympathies other than what may be called German sympathies, and we think it but right to remind Germany that here, in the middle of the North Sea, there are Germans who are still awaiting their liberty."

Therefore, I say, we have at least the satisfaction of knowing that we have done a grateful act towards those Heligolanders who informed Germany that they were awaiting their liberation from us. Now, as far as Heligoland is concerned, I should be entirely in favour of the present Treaty, but when I look at the *quid pro quo* which is to be given for the cession of Heligoland I can hardly regard it as sufficient, although I

do not say this for the reasons urged by hon. Members on this side of the House. I am not going to haggle and naggle about the interior of a country of which very few persons know the exact geographical position. I am not going into questions relating to the rivers, of which we know nothing, or to extensive forests and pigmy races which Mr. Stanley and other travellers have seen, but of which we have little or no knowledge whatever. I think, however, we are giving too much of Africa, and that the public are getting too little. We are told that we get a Protectorate over Zanzibar. An hon. Member was very indignant because I said we had not yet got Zanzibar. I repeat that we have not yet got it, because we have entered into a Treaty with France. [*Cries of* "No."] Hon. Members say "No," but I have it here in French. [*Cries of* "Read."] No, I will give it in English. It runs thus—"They, the two Governments, have reciprocally engaged to respect the independence of Zanzibar." And in a letter from Mons. Freycinet, four years afterwards, that Minister pointed out that on the 20th of March, 1862, England recognised the independence of Zanzibar, so that we have absolutely guaranteed the independence of that State. I am not complaining of this for a moment, because I should be very glad if France were to interfere and say we are not to have a Protectorate over Zanzibar, because that Protectorate means that we are to guarantee the territories attaching to Zanzibar against all other countries. That is a most responsible engagement. We have a wide field, it is true, and the Government are always increasing that field; but, still, we are always told that the great object is to secure the safety of the possessions we have already acquired. Therefore, I say it is a very strong measure for the English Government to guarantee the island of Zanzibar against Russia, France, Germany, and the rest of Europe. This, however, is what the Government are pleased to call the *quid pro quo* for Heligoland. What else do we do? We not only hold an enormous amount of territory, but we are desirous of augmenting that territory. Many hon. Members will remember the horror which some years ago was excited in the breasts of most Englishmen when Sir Bartle Frere announced that he was going to found a great empire in Africa. Sir B. Frere at that moment never dreamed of the great empire we are attempting to found at the present time. At that time the suggestion was that we should go as far as the Orange River, but we have gone far beyond that, because we have gone to the Zambezi, and created what is, in reality, an enormous empire; and we are not content with that, we have laid hold of Egypt and are remaining there, and have practically come to consider that Egypt is a part of our Empire, and because we have Egypt we must have something else. We must have the Equatorial Provinces, containing some 12,000,000 inhabitants. Then, having got the Equatorial Provinces in the north, and the huge empire I have spoken of in the south, the Government is denounced because it does not lay hold of the strip of territory which connects the two. It is said we ought to have that territory, and this seems to me very much like stealing a man's hat and boots, and then saying because you have got his hat and boots you ought also to have his trousers. We are incurring enormous responsibilities in regard to this matter, and, so far as I can understand it, the Jingo dream at the present moment is to have a great empire stretching from Alexandria in the north down to Simon's Bay in the south. For my part, I am glad that Germany has interposed to prevent the connecting links being made between our northern and southern territory in Africa, or rather between our equatorial territory and our great southern empire. I am only sorry Germany has not got more. [*Cries of* "Oh!"] Yes, I am very sorry, and I would point out to hon. Gentlemen opposite who interrupt me that that would be a judicious step to take, because it would tend to the security of peace. The more Germany has to look after the less likely is she to go to war. She seems to want colonies. We have enough. Let Germany have what she wants of these territories and undertake the work of civilisation which that possession will necessitate, and we shall have a guarantee that Germany will not attack us, because if she does we shall then be enabled to lay hold of the whole of the continent which the Germans may have assisted in civilising at

enormous cost. We laid hold of India and took it from the French. We did the same thing with regard to America, and we have done something like it in most places throughout the world. In fact, we are the most thoroughgoing buccaneers and land grabbers that ever existed. Some of us have cultivated land grabbing in Ireland, and we want to apply the same system to the entire globe. The earth hunger of this country is one of the strangest things I know of. We do not want these countries, but yet no sooner is a new province explored in any part of the world than we try to get hold of it, not because we really want it ourselves, but in order to prevent anybody else obtaining possession of it. The right hon. Gentleman the Under Secretary for the Colonies has pointed out that there was a time when we could have got the whole of Africa by merely taking it. Why did we not take it? Simply because nobody else wanted it at that time. But no sooner does Germany and France go there, than we lay down a sort of manifesto that the whole of Africa belongs to us, and that we are at any rate to have the best portions of it. I say that we have no right to be there at all. Some hon. Gentlemen argue as if we had a right to the whole of Africa. But, in the first place, I assert that Africa belongs to the Africans; and, in the second place, if it is admitted that we ought to have colonies there, we have no more right to the interior of Africa than has any other country on the globe. It is precisely this notion, that we have a sort of primitive right to every part of the globe, that gets us into trouble. The Under Secretary for Foreign Affairs stated that no secret Treaty had been entered into with Germany. What I ask is, what secret Treaty has been entered into before with Germany; what obligations have we taken with regard to the Triple Alliance? The Under Secretary said there had been an exchange of Notes. Are these negotiations not going on now? Those communications ought to be submitted to the House. All I can say is, that certain communications having been made by Lord Salisbury in reference to the Triple Alliance, Italy was induced to join it. Why have those communications not been laid on the Table of the House? If they are not, all we can say is that Italy and Germany must thoroughly understand that these are mere expressions of opinion on the part of Lord Salisbury, and that this country is in no way responsible for the engagements that Lord Salisbury negotiated. I recall with surprise the expressions of approval of Lord Salisbury as Foreign Minister which have come from this side of the House. I regard him as one of the most dangerous Foreign Ministers that ever has been in the Foreign Office. His policy is simply that of interfering in Europe by truckling to Germany, and whenever he gets the opportunity of turning the cold shoulder to France. I hope that we will soon have a General Election, and so avoid the danger which I am perfectly certain we incur of being dragged into some European War. With regard to this Treaty, I am not opposed to getting rid of Heligoland and the Governor's salary. But I am opposed to the Treaty, because in South Africa we incur great responsibilities and liabilities which will eventually increase the taxation of this country. On the Colonial Votes I shall have something to say about the Chartered Companies. I can only say that in the territories which we do obtain from other Powers, we realise the very worst fears of the people by putting them into the hands of Conservative Dukes and others under the guise of Chartered Companies. Lastly, I object to the Treaty because it is an attempt to establish an exceedingly bad precedent, and I can only console myself with the thought that no Liberal Government ever can or will accept the precedent.

*(7.54.) MR. W. F. LAWRENCE (Liverpool, Abercromby): The Government need not despair of carrying their Bill after the speech we have just heard. At first the hon. Member said we had got too little for Heligoland, and then that we had really got too much. Which argument does he prefer to stand by?

MR. LABOUCHERE: I did not say we had not received adequate value. I said we had received too great value, improper value, which really would cost us a great deal of money without any countervailing advantage.

*MR. W. F. LAWRENCE: I am prepared to accept the hon. Member's correction, though I have no doubt the reporters to-morrow will refresh his

memory as to what he did say. Anyhow, whatever the hon. Member did say, his speech was not one about which we need take any particular care. After two days' debating, there is very little that is new to be said on this subject. For my own part, I am perfectly prepared to support the Agreement, not because it is perfect, but because it is as good as can be expected under the circumstances. Considering those circumstances, hon. and right hon. Gentlemen opposite, like the right hon. Member for Denbighshire, who lost us the Cameroons, half of New Guinea, and Damaraland, ought to be a little silent or criticise more fairly the present Agreement. I admit, however, that there are questions left unsettled in Africa which will be of great importance to us at a later stage of our national existence. South African colonists, for example, have a good right to complain that they should have their northern line cut off by a strip 20 miles broad, enhancing the value of Damaraland and shutting off their trade to the North, and arresting the natural expansion of South Africa. I believe even more important still is the question with regard to Walfisch Bay; and that that matter is left unsettled, while Heligoland is surrendered, is a serious blot in the Agreement. An hon. Member has urged the Government to put friendly pressure on Germany. The remark shows how little he understands the signs of the present day. I ask the hon. Member whether Germany has ever yielded to friendly pressure, and whether her pressure has ever been friendly. Passing from those points, however, considering that the circumstances of this case are totally different from the circumstances of past years, and considering also how much has been gained, the House ought, I think, to be thankful. Germany entered upon the negotiations knowing full well that the Government would not be supported by the British electorate in moving a ship or landing a battalion in order to obtain an acre of land in Africa. How different is the position of the German Emperor. Hon. Gentlemen opposite ought to go to the country and tell their constituents to support a spirited foreign policy. I do not agree that we do not want these countries for ourselves. I have heard that all the great wars of the last century were undertaken for the purposes of trade. I am prepared to further forward a policy for the purposes of trade; for, although we have great colonies, and surrounded by friendly nations, all our markets are shut up; we are hemmed in by protective duties, and unless we can find new countries we may as well shut ourselves up at home. I think that, on the whole, Her Majesty's Government are to be congratulated on the great field which they have opened up to British trade, for which there is a great future in that district. I am prepared to forward a policy which will develope our trade by firmness, and by force, if necessary. This Treaty is not only to be looked on as beneficial to the East African Company, but to the whole country, as it opens up a route for trade to the Nile. I am not inclined to underestimate the interests of our South African colonists. There are, undoubtedly, some points in which their feelings and wishes ought to have been met, but I hold that by this Agreement they have a great area for extension opened up. They have an enormous tract of territory that it will take at least a century to open up and adequately develope, and though I am sorry that the Damaraland boundary has been altered, I am sure that if the colonists will stand shoulder to shoulder and drop their racial differences, they have a future before them almost as great as that of Australia, and perhaps even greater. Though I have been bound to offer these criticisms to some parts of the Agreement, I am bound to give support to it on the whole. (8.5.)

(8.35.) MR. A. PEASE (York): I rise to add my protest against the very humiliating Agreement, which depends on the passing of this Bill. No great amount of eulogy or praise has been bestowed on the Government measure even by the supporters of the Government. Even the speeches of the Prime Minister in another place, and of the Under Secretary of State for Foreign Affairs in this House, were made in an apologetic tone. The hon. Member who last addressed the House said he was in favour of a spirited foreign policy, and a policy of resorting to force, if necessary, to back up the commercial enterprise of this country. I do not pretend to be

governed by the motives actuating the hon. Gentleman when I say it is a disastrous thing for this country if legitimate commercial enterprise is hindered by any action of the Government, and I think that legitimate commercial enterprise is restricted and endangered in many quarters of Africa. One hon. Member has said that we have bartered away our birthright in Africa for a mess of pottage. We have bartered away our birthright, but I cannot see where the mess of pottage comes in. I cannot see what we have gained in any direction by the Anglo-German Agreement. If we compare our position in Africa in 1886 with our position there to-day the change is distinctly for the worse. We were told that the proposed concessions and surrenders, and the evacuation of Heligoland are necessary in order to secure the friendship of Germany. I feel pretty confident that even after we have done all that is proposed, Germany's policy will still be mainly dictated by her own interest. In my opinion, the first step towards obtaining the friendship of Germany would be to obtain her respect, and I cannot see how Germany can have any respect for a Government or a Power which so willingly and, I believe, so unnecessarily surrenders her hold upon great areas in Africa. I willingly admit that there is ample room for dissatisfaction with regard to the policy pursued by the Liberal Administration with regard to Damaraland and Namaqualand, but I maintain that things have been made infinitely worse by the concessions just made. It is contended that we still retain our influence at Zanzibar; but let me point out that our influence is now restricted to the Islands of Zanzibar and Pemba. Before, however, I deal with the question of the Sultanate of Zanzibar, I desire to refer to the Heligoland part of the Treaty. An hon. and gallant Member has deprecated the position of Heligoland as a point of strategic value. I do not know whether the hon. and gallant Member is a more competent authority than some of those authorities who appeared before the Commission on the Colonial Defences, or whether he is a more competent authority than some of the great men who preceded those authorities. But whilst the hon. and gallant Member was speaking I turned to a Despatch written by Admiral Russell in 1807, in which the gallant Admiral said of Heligoland that at a small expense the island could be made a small Gibraltar. I do not profess to know anything at all about the question of the strategic value of Heligoland, but I remember that even Lord Salisbury in another place dwelt on the great use that Heligoland had been when Napoleon promulgated his decrees against the commerce of Great Britain, and endeavoured to suppress British commerce on the Continent of Europe. He pointed out how, Heligoland being a smuggling emporium, it was Heligoland smugglers who arrested and defeated the policy of Napoleon. I suppose if Heligoland was of use at the beginning of the century, events may arise that may make Heligoland again useful in that or in other respects impossible now to anticipate. But the Prime Minister has also stated that it is better to cede Heligoland when we can get a *quid pro quo* than to undergo the humiliation of surrendering it in time of war; and he has pointed out that we should be obliged to do that, because within a few hours of a declaration of war Germany would send a fleet, an armed force, and artillery to occupy the island, and we should be ousted from our possession. But I presume that, in the event or probability of war with Germany, some steps would be taken to protect the island from the fate foreshadowed by the Prime Minister. For my own part, I do not anticipate any trouble with Germany in Europe. I cannot imagine any event in Europe that would bring the two countries into conflict or unfriendly contact. Our interests are in common, and there is no reason to suppose we shall have any but friendly relations with the German Empire; and even if it were not so, Germany has little power to damage us in Europe, whilst I should have supposed that those in favour of a spirited foreign policy, such as indicated by the hon. Member who spoke last, would have hesitated before handing over our outpost in the North Sea. The reason why I regret the cession is because the inhabitants have shown plainly, absolutely, and resolutely a preference to remain subjects of the British Crown,

while we abuse their loyalty by transferring them, as if they were cattle, to the dominion of another State. Germany, at any rate, has no old claim to Heligoland. This is not a recession of territory as has been stated by one hon. Member. Heligoland, I believe, has never at any time belonged to Germany. Lord Salisbury deprecated a *plebiscite* being taken; but I think, at any rate, he might have taken the opinion of the Nominee Council. We have no evidence that he did seek any information in that direction. But I regard the cession of Heligoland as the smallest part of the Agreement, and I should be willing to support it provided we get a proper equivalent. I ask the House for a moment to follow me whilst I endeavour to show what is the position of this country and Germany in Africa, where we are supposed to have obtained an equivalent as compared with that of four or five years ago. In a Despatch to Sir Edward Malet in 1885, Lord Granville pointed out that

"Apprehensions with regard to the policy of Germany towards the Sultan of Zanzibar are not shared by Her Majesty's Government, who continue to respect the assurances given to Sir Edward Malet by Prince Bismarck on May 28, 1884, that Germany will not endeavour to obtain a protectorate over Zanzibar."

And then he goes on to state that for a century the Sultans of Zanzibar and Muscat had been under the administrative influence of this country and the Government of India, and that in 1861, by the decision of the Viceroy of India, the two countries, Muscat and Zanzibar, were divided by an arrangement which has continued since. The Despatch went on to point out that Her Majesty's ships had kept the peace in Zanzibar waters; that British trade was closely connected with the country, that the British Government had subsidised steamers from this country to Zanzibar, and that British-Indian subjects had settled there in considerable numbers, and that British influence was used for the advantage of the trade of all nations under liberal Commercial Treaties existing with the Sultan. Well, what was the condition of things that followed upon this? Germany assumed certain rights by force over certain territories behind the coast line of the Sultanate on the mainland. The Sultan protested, and the British Government preceding the present, if anything supported the Sultan in his protest; but, later on, in September, 1885, we find Lord Salisbury had changed the tone towards Germany, and received compliments and thanks from the German Government for good offices in bringing pressure to bear on the Sultan of Zanzibar. I could quote from the Blue Books several instances of pressure brought to bear upon the Sultan, and there is one instance that shows indisputably how this pressure was brought to bear on the Sultan in favour of Germany, and which I intended to quote, but I find I have not the book with me. It is an instance in which, in a Despatch, Lord Salisbury declares that such pressure was employed. I might refer also to the quotation that was used in another place from a Despatch by the noble Lord the Member for Paddington (Lord Randolph Churchill) showing what the position was in 1886. The noble Lord said—

"Our position at the moment is one of immense value and strength; the whole of the tribes in that territory are under our influence, look up to, and are determined to be guided by us;"

and he went on to point out how preponderating was the influence of this country in Zanzibar. Germany, step by step, sometimes by violence and sometimes by pressure exercised on the Sultan, though the English Foreign Office obtained a footing on the Zanzibar coast of Africa. And now, to sum up, look at the position of this country in Africa and in Europe in relation to Germany, as compared to what it was in 1886. In 1886 we possessed Heligoland; we had a preponderating influence and power throughout the Sultanate of Zanzibar, the Island of Zanzibar, the Island of Pemba, and 500 or 600 miles of coast line; the question of Damaraland was not settled; Germany claimed certain concessions in the district which we had not consented to acknowledge. To-day what is the position in which this country finds itself? Germany has got Heligoland, Damaraland, Namaqualand, and the mainland territories of the Sultan of Zanzibar; concessions in other districts, for instance, in the Gulf of Guinea; and I presume, after 1910, according to this Treaty, she will have power to exclude our trade from the Sultanate of Zanzibar or the mainland

coast of Africa. What is our position? We have lost Heligoland; we have lost the enjoyment of some of the fruits of British discovery and enterprise in North East Africa; we have a lessened authority in Zanzibar, a Protectorate dependent on concessions from France and the Sultan; and our fellow-countrymen who are engaged in the enterprise of the British East Africa Company are cut off from communication between Tanganyika and Central Africa, debarred from the route extending from Central Africa to our possessions in the South; we have a discontented colony at the Cape in consequence of concessions made to Germany without consulting the colonists; and the probability of friction with France. And the Secretary of State for Foreign Affairs has stated that even such authority as we have in Zanzibar is to be exercised in no exclusive manner; he seemed to deprecate even the little influence left to us in that island. I cannot understand why there is this sacrifice of British interests in Africa and Germany. I much prefer English methods of colonisation to German and French methods. We have had most lamentable occurrences by the Germans on the mainland of the Sultanate of Zanzibar. There have been methods adopted which have been condemned by our Naval Commanders on the African Coast. As the noble Lord the Member for Paddington has pointed out, one concession after another has been made in order to secure our position in Egypt, and he has pointed out the fruits and consequences of the policy we have pursued. There are other advantages almost as undesirable we have given the Germans. We have allowed Captain Weissman to go to Egypt and recruit a force there for his expedition into Central Africa. You would never have allowed a French officer—I doubt if you would have allowed an officer of any other country—to recruit forces in Cairo and other parts of Egypt for warfare, or any other enterprise in the interior of Africa. That I may be under no accusation of misrepresentation in this matter, let me call attention to the answer given by the Under Secretary for Foreign Affairs to the question of my hon. Friend the Member for Poplar. My hon. Friend asked if the attention of the Government had been directed to a telegram, dated Alexandria, February 25, to the effect that Captain Weissman had arrived on his way to Zanzibar; that he would proceed to Cairo, and would recruit his force with some 100 blacks, and whether the consent of the Egyptian Government had been obtained to the enlistment of Egyptian subjects. The answer was that Sir Evelyn Baring had reported the arrival of Captain Weissman at Cairo; had stated that his proceedings had received no official sanction, but that the Egyptian Government did not propose to offer any objection to the voluntary enlistment of a few blacks for certain police purposes. Well, we know how the police force is used by the Germans in their work of colonisation. Much has been said about the "Hinterland" doctrine; and though it has in some degree been denied, it is practically a doctrine admitted in this Anglo-German Agreement. The Hinterland doctrine, it would seem, is to be allowed to be applied by Germany, but it is not to apply to any other country. We know the position taken up by this country in regard to Portugal. If any country has a right to claim territory on the Hinterland principle that country is Portugal. She has territory on the coast line on West and East Africa, not a bare coast line, but territory reaching a considerable distance into the interior. But Portugal is a very weak State, and Germany a very strong one. We have, I say, in this Agreement practically admitted the Hinterland doctrine, and I think that is pretty clear from the Despatch of Lord Salisbury to Sir Edward Malet on June 14th last. The second paragraph of that Despatch reads—

> "The claims of the German Government are based chiefly on the contention that where one Power occupies the coast another Power may not, without consent, occupy unclaimed regions in its rear. It would be too much to affirm that this contention is entirely destitute of support from international usage."

That, I say, is conceding the doctrine in some degree—

> "But its operation cannot be unlimited, while the boundaries within which it should be restricted are very hard to draw."

Later on, Lord Salisbury fully admits the doctrine. He goes on to say—

> "Her Majesty's Government had, therefore, no title to advance which could countervail the claim which the German Government based on the fact that this region" ——

that is, territory to the north of Tanganyika—

"Was in the immediate rear of their own; and their pretension derived additional support from the circumstance that it would practically have the effect of dividing the shares of Lake Victoria Nyanza into two portions approximately equal between the two Governments, &c."

Well, I say, the Hinterland doctrine is conceded wherever the Germans have set it in operation; while the Foreign Office have, so far as I can gather from the correspondence, never once insisted absolutely on any point they have urged. So much has been said about concessions in the South-West of Africa and the lamentable extension of German territory along the banks of the Chobe River to the Zambesi, that I need not dwell on that. I admit that the first concessions in that direction were begun under a Liberal Government; but I consider that the present Government, knowing what were the concessions to British subjects in Damaraland; what was the feeling at the Cape; what was the feeling of the King of the Damaras, are very much to blame in not taking care that the interests of British colonists at the Cape, and the interests of the natives were protected by restricting the concessions in Damaraland to a much narrower district. I know it is too late now to do anything towards upsetting, altering, or amending the Agreement; nevertheless, I do believe it is the duty of Parliament to reject this Agreement, and, although few may vote against it, I certainly shall vote with my hon. Friend the Member for Lanark against what I consider this most humiliating Agreement. While I give every credit to the desire of the Government to maintain friendly relations with Germany, so far as I can see they do nothing towards obtaining or securing the gratitude of Germany, while I can see that they may land us in material difficulties with our colonists before very long.

(9.10.) CAPTAIN BETHELL (York, E.R., Holderness): I am sorry to hear the hon. Gentleman is going to vote against the Bill for the reason he has given, namely, that the Hinterland doctrine has been applied solely for the benefit of Germany. He and other speakers on this side have overlooked one part of the arrangement. While it is true we have given up considerable territory on the Hinterland principle to Germany on the East, it is also true that south of Lake Nyassa there is a territory of 60,000 square miles secured on the Hinterland principle to this country. So it is unjust to say that the Hinterland doctrine has been applied solely for the benefit of Germany. The hon. Member for Northampton (Mr. Labouchere) gave us a long controversial argument, in which he attributed sinister designs to the Government and the House of Lords. I do not know whether we are to consider the hon. Gentleman as a Constitutional Authority, but I do not think he convinced the House that the constitutional question involved is a very serious one. His hon. Colleague the junior Member for Northampton (Mr. Bradlaugh) hailed the introduction of the Bill with satisfaction as a precedent by which a prerogative of the Crown is limited or forfeited. He argued that when once the Crown had abandoned a prerogative it had never been asserted again. Now, I think, to such a statement there are very considerable limitations. It is true that prerogatives of the Crown being abandoned after conflict between Crown and Parliament have never been revived, but I do not think it can be asserted that a prerogative abandoned by the will or the wish of the Crown, waived, so to speak, is absolutely abandoned.

MR. BRADLAUGH (Northampton): What I stated, and what I believe to be the case, was that there is no case in which, the Crown having lost its prerogative by enactment to which, of course, the Crown had to be a consenting party, that prerogative was ever re-asserted or re-taken.

CAPTAIN BETHELL: That is very likely, by express enactment, but as we have been assured, and by right hon. Gentlemen opposite, most emphatically, this at any rate is not to form a precedent. But the hon. Gentleman considers it is to form a precedent for a prerogative abandoned by the Crown. Now, in regard to the cession of Heligoland, I fear there is a prospect that the running sore between this country and America may find its counterpart in the complications which will arise under a sub-section of the 12th Article having reference to rights of fishing. It is provided that our fishermen are

to have rights of taking in provisions and water, and other rights for all time. This is just one of the provisions that have given rise to so much difficulty and correspondence with America, and I think the sub-section is also likely to give rise to future trouble with the German Empire. I should have thought it would have been wiser to have limited the reservation of rights to some specific period of time. Upon the cession of the island I do not propose to say anything further, except to remark, upon the complaint that we have not an equivalent concession, that a few weeks ago in a discussion on the Estimates several hon. Gentlemen on the other side expressed a desire to cede Heligoland, not for any *quid pro quo*, but simply on sentimental grounds, and it was not until the hon. and gallant Member for Galway (Colonel Nolan) suggested that it was a valuable property to Germany, and that if we gave it up we ought to get something substantial in return, that Members then considered it might be desirable, and the hon. Member for the Scotland Division (Mr. T. P. O'Connor), correcting what he had previously said, explained that he did not mean that the island should be given up for nothing, and out of friendship merely. It is a little surprising now to find hon. Gentlemen so shocked and horrified at finding we are to get so little in return. I should take out of the Agreement altogether, for the purpose of summing up our gains and losses, a large piece of Central Africa. Consider, then, what remains. We have given up Heligoland and a certain portion of South-West Africa. The cession of Heligoland has already been sufficiently discussed, and it is to the South-West African question that I wish to direct my criticism. Some weeks ago, before this arrangement was concluded, we had a discussion on this question in Committee, and on that occasion I took the opportunity of saying I was strongly opposed to ceding any more territory to Germany in that region. My reason differed from that given by the hon. Member who last spoke. Where he got his information about Namaqualand I cannot imagine. I never heard that that country had been explored.

MR. CONYBEARE (Cornwall, Camborne): There is plenty of gold there.

CAPTAIN BETHELL: That may be so. The hon. Gentleman seems to take a very rosy view of the country. My objection to this arrangement, however, is an almost sentimental one. I am looking to the future of the Anglo-Saxon Empire South of the Zambesi being prejudiced by the intrusion of another foreign element. I think the original admission of the Germans was a gross mistake, and I deprecate as strongly as I can the giving up of anything further in South Africa to the Germans, because it will tend to render more difficult our ultimate success there. I cannot understand why Germany is so very anxious to get this territory. I have heard that the German negotiators were very stiff-necked about it. I could understand our Foreign Minister making a concession if he were going to get a *quid pro quo*; but I do not think he has got one in this instance. I may say, therefore, that so far as this portion of the Agreement is concerned I join with those who deprecate the concessions which have been made. In estimating our gains and losses by the Treaty, I certainly think it should be noted that one great gain we have secured is such a re-arrangement of territory among the nations in Africa as will tend to obviate disputes and difficulties henceforward—difficulties that have led to trouble in the past, and might easily do so again, unless the position and territory of each country is clearly defined. Whatever other value the Agreement may have I venture to say it is most valuable as constituting an important factor in the peace of the world, and no doubt that consideration was present to the mind of Lord Salisbury. As to Zanzibar, I hope, that, notwithstanding the action of France and Germany with regard to the island in the past, we shall in future exercise a substantial Protectorate over it. With regard to the remarks of the senior Member for Northampton, it will be remembered that the French and ourselves guaranteed the independence of the Sultan of Zanzibar. So also did the Germans, and now that they have withdrawn, surely we are not bound to insist on that independence. In fact, the word guarantee was not used in the Treaty: the engagement was to respect the Sultan's independence, and not to guarantee it—a very different

thing. The value of the island and the Protectorate will largely depend on the results of German colonisation in Africa. If that action is successful, and they are able to create and develop ports on the coast sufficient for the purposes of their trade, Zanzibar will not be so valuable as it would otherwise be. Still, there can be no doubt that it will always be a valuable British possession for warlike or maritime purposes, and especially as a coaling station. Although I am glad to see Great Britain getting her fair share of possessions in Africa, and other parts of the world, to which she is entitled, yet I do not see why this country should be regarded as the only colonising and civilising Power in Africa. Germany, or any other country that undertakes this work, should have its fair share of territory to carry out its purposes, and with regard to the contrast that has been drawn between Lord Salisbury's treatment of Portugal on the one hand and of Germany on the other, it should be remembered that though Portugal first discovered the territories in Africa which she claimed, she has never established herself in them, and in the circumstances it was impossible for Lord Salisbury to recognise all her claims. It must be admitted that we can no more rest our claim to the territories we have discovered in Africa on their original discovery by us, since we have not established ourselves in them, than Portugal can lay claim to the territories North of the Zambesi. Therefore, I do not think that Lord Salisbury has acted towards Portugal as a weak Power, while he has acted towards Germany as a strong Power. On the contrary, I believe he has acted towards that country with much dignity. I hope that in the negotiations with France and Portugal the same dignified efforts will be made to reconcile the rights of all.

*(9.30.) MR. STOREY: I am sorry I cannot agree with the hon. Gentleman who has just sat down in one of the observations he made. He said that Lord Salisbury had treated Portugal in exactly the same spirit as he treated Germany, but I am afraid that I must, even at the risk of condemnation, come to the conclusion that Lord Salisbury treated Portugal as a weak Power, and Germany as a strong Power. He negotiated with the one, and took a strong handed course with the other, which he would not have dared to had she possessed the power of Germany. I differ, too, from many of my Liberal and Radical Friends in regard to this Agreement. I entirely concur in the wisdom of the cession of Heligoland to Germany, and I think Lord Salisbury is entitled to much credit for having done a very sensible and statesmanlike thing. The importance of Heligoland to this country has been greatly over-estimated, and I have come to the conclusion, after listening to the Debates, and reading what has been said in some of the newspapers, that a great many Gentlemen who have discussed the matter have never seen the island, and have never taken the trouble to understand what it is. One hon. Gentleman described it as the key to the North Sea. What magnificent folly to describe it in that fashion. Another, out-Heroding Herod, has spoken of it as the key of the Baltic, which is about as sensible as if I were to say that the Isle of Man is the key of the English Channel. Heligoland is a beggarly little rock, with a little bit of sand tacked on to it, as a sort of fringe to its garment; it has got a population limited in number, but German in sympathy and in many other ways. Therefore, as far as the rock is concerned, I am glad it is going to Germany. I wish hon. Gentlemen who oppose this cession would realise what we should feel if the Goodwin Sands were once more to stand perpetually out of the sea, and if every ship in and out of the Port of London were to see the German flag flying there. It would do us no damage, but it would offend our sentimental feeling. The Germans must have the same feeling at seeing the English flag flying on this little island close to the mouth of the Elbe. It is only natural that they should, and I commend Lord Salisbury for the taking note of that sentiment, and frankly handing Heligoland over to Germany. But I have to make one remark on the point, not of a complimentary character. I would make it a rule to have a very generous feeling towards the sentiments of foreign nations. The hon. Gentleman who has just spoken said that we ought to have got something in return for Heligoland. I think that great nations in treating with one another ought not to

seek a *quid pro quo*, but ought to act with the generosity of gentlemen, and not seek for a *quid pro quo* in the spirit of a pedlar. The complaint that I have to make against Lord Salisbury is that he has sought for concessions in other parts of the world. And what sort of a bargain has he made? Germany has to give us a lot of territory which is not hers to give, and we have to give Germany a lot of territory which is not ours to give. Since the day Dick Turpin and Tom King met to divide the plunder of Hagley Hall I do not know of any more atrocious thing than has been done by those two great civilising Powers in Africa. The Under Secretary has talked in magniloquent terms about partitioning Africa. The right hon. Gentleman partitioned to Germany what was not his, and accepted from Germany what was not hers, and this without considering the views of the people who inhabit the land. I am utterly against England having possessions or points of land scattered up and down the world, except for one reason. I admit it is absolutely essential that England should have coaling stations throughout the world. I shall never be opposed to obtaining fairly, and keeping with a strong hand, such coaling stations as are necessary for our Fleet and our Mercantile Marine. Heligoland never could have been a coaling station. Coaling stations must be defensible, and to fortify and defend that island would have involved enormous expenditure, the benefits derived from which would never be commensurate with the outlay. I have no objection to our having Gibraltar, Malta, and other places of the kind, and, therefore, I have not the smallest objection to make to Lord Salisbury's acquiring the Island of Zanzibar. But, having surrendered Heligoland to Germany because it is close to that Empire, the very same condition of things will exist 50 years hence with respect to Zanzibar. Zanzibar will be an English island placed just off the coast of an enormous German Empire, and the same sentimental feeling which makes us surrender Heligoland to Germany now will compel us then to surrender Zanzibar to the holders of the German Empire in Africa. Just now I unwittingly incurred the censure of the hon. and gallant Member for Evesham by sneering at an observation he made. He thought that I sneered at the missionaries, but I sneered at the sentiment he was enunciating. So long as he talked about the relations between the two Powers, and about the advantages of trade, I thought he was on common-sense ground, but when he suggested the utter cant—and I can call it by no other words—that we were going to Africa to support the missionaries, I could not help sneering, and I shall sneer every time such observations are made by any Member of this House. What is the use of humbugging, or attempting to humbug, the world? We do not go to Africa to support the missionaries, or to civilise the natives; as everybody knows in his secret heart, we go for the purpose of obtaining land and making money; and what becomes of those poor wretches the Africans we care not one button. Did we go to North America, to civilise the Indians; to Australia, to civilise the natives; or to New Zealand, to civilise the Maories? No, we went to make money, to carry on trade, to acquire land, and to make an opening for our sons. That was our purpose, and we ought to say so honestly. We did not go to civilse. What do we carry to these natives? We carry to them the three R's; not those which we give to the children of this country, but the rifle, rum, and religion. The rifle and the rum are slowly destroying these populations. Heaven grant that the third of the three R's—religion—may give them entrance to a place where grasping Emperors do not govern, and where philanthropic and pious traders are unknown. I have learned one lesson from this action of ours in Africa. We are giving land to Germany which we have no right to give, and Germany is giving land to us to which she has no right. There is, however, no opinion taken of the populations of these territories. I do not admit that they are poor and scattered. I believe that they are not of the bloodthirsty and plundering types which have been found in other uncivilised portions of the world. Probably in that favoured region there are races capable of great development. I am sure of one thing, that the ordinary processes which have characterised the march of the Anglo-Saxon and every other European nation in their dealings with savage nations, will, if adopted in this case, civilise these peoples off the

face of the earth. Now, the lesson I have learnt is this: that all our outcries against Russia, on the ground that she has acquired enormous territories by nefarious means, are the merest sham. With what sense of moral worth can our Government hereafter complain—with what justice can the Tory Party hereafter complain—about Russia? I was in the House when the unfortunate butcheries in Afghanistan occurred during the Government of the right hon. Gentleman the Member for Mid Lothian. I can remember the outcry raised by Members of the Conservative Party as to the grasping tendencies of Russia, and the nefarious means by which she managed to get control of one Khanate after another, and one valley after another. I can remember the outcries from the same ranks when Russia re-acquired Bessarabia, which we took from her in 1856. How piously we then condemned Russia. But with what face can England hereafter condemn acquisitions by other Powers? If there is any Power which goes up and down the world, like a raging lion seeking what it may devour, it is this great Empire of Great Britain and Ireland. Look at the acquisitions we have made in recent days. Who took Cyprus? The Tory Government. Who took Burma? The Tory Government; and if the hon. and gallant Member for Evesham had his way we should absorb not only all this earth, but the moon too, in the name of Great Britain. You have acquired land in every part of the world without the least regard for the interests of the inhabitants, simply through a greed of lust, and power, and growth, which seems inherent in a certain class of the English people. Yet, when other nations commit this offence you hold up your hands and thank Heaven you are not as other men—not even as this publican Russia. I think it is very much to be deplored that any Party in this House should connect itself with such a wholesale proposal of partition as is contained in this Bill. I admit that the partition is nominal, and on paper; it is not a proposal that you should at once acquire land, because, if it meant that, it would involve an expenditure of money and men, which would speedily push the Government from Office. I can understand a Government taking possession of a territory which it feels the circumstances of the time require it should, but for the first time in our history you have entered into a covenant for the possession of an enormous amount of plunder in land of which neither of the contracting parties can yet take possession. You are setting a bad example to other nations of the world, and you are doing more, for you are shutting our mouths, if ever there should be cause for righteous complaint. When Russia comes down to the Bosphorus, as she will, or if she acquires Persia, she will reply to our complaints by pointing to this Treaty with Germany, and will say that we entered cold-blooded into a Treaty to partition half a continent. I have learned another lesson from this transaction. If I, as a humble Member of the Radical Party, try simply to change the form of Government in Ireland, and to give the Irish people the right to manage their internal affairs, I am told that I seek the disintegration of the Empire; but if the Tories sell, in the spirit of a pedlar, a portion of the Empire to another nation, then they are not disintegrating the Empire. I trust that the public of this country will learn that lesson. The hon. and learned Gentleman the Attorney General last night made some observations on the serious constitutional question raised by the right hon. Gentleman the Member for Mid Lothian. I do not propose to attempt to discuss that question, but one remark made by the hon. and learned Member particularly struck me. He said he had always understood that the right hon. Gentleman the Member for Derby hated the power of the Crown, and that that night he had been amazed to see him defending the prerogative of the Crown as against the power of the House of Lords. He added that the right hon. Gentleman's hatred of the Crown had been obscured and swallowed up by his hate of the House of Lords. What right had the hon. and learned Member to assume that any person on these Benches, either a Constitutional Whig, as I should call my right hon. Friend, or an extreme Revolutionist, as I might call myself, ever hated or was opposed to the prerogative of the Crown. Everyone knows, I presume, that if at this time, I were called upon to mould a Constitution for this island, I would not make it monarchical. But, then, like

most other northern people, I have just got sufficient common sense to know that a change from the system which has grown up, and has, on the whole, worked so well, involving, as it would, an enormous expenditure of money, time, and perhaps blood—I say that a change of such a terrible nature would never be compensated for by any advantage that would accrue from our having merely the form we prefer. Like common sense people we accept the present position of things. Anyone who suggests that I am opposed to the prerogative of the Crown is manifestly mistaken. We, on these Benches, regard the right hon. Gentleman the Member for Mid Lothian and his Colleagues as the guardians of the present English Constitution against the revolutionary persons who constitute the present Government. Everyone knows that the prerogative of the Crown is the prerogative of the House of Commons, and that the prerogative of the House of Commons is the prerogative of the majority of the people of this country. We do not hate the House of Lords. In the present circumstances, the House of Lords are, unfortunately, our masters, and therefore, we assert against hon. Gentlemen opposite the prerogative of the Crown. I believe that what the Government are aiming at is the exalting of the power of the House of Lords in this as in other matters, so that the House of Commons could not decide any foreign question unless the House of Lords liked. We are not prepared to put the House of Lords into such a position as that. Rather than give them more powers on foreign matters, we desire to reduce their powers on home matters. I venture to think that a great number of constitutional Radicals prefer the old method of the will of the Crown, which is the will of the people, being supreme in foreign affairs, and, therefore, we are unable to vote for the Amendment of my hon. Friend any more than for the Motion for the Second Reading of the Bill.

(10.5.) SIR W. HARCOURT (Derby): Sir, I will not abuse the right which the Amendment gives me to say a few words. The Attorney General has charged the Opposition with having taken the Government by surprise; but I am surprised that the Government should have been taken by surprise. A Cabinet which consists of responsible Ministers of the Crown ought not to be taken by surprise when they are asked why they have abandoned what they admit to be an established head of a prerogative which has never been abandoned before. I venture to say that if the Bench of Bishops were to drop one of the 39 Articles, and then, when asked why they had done it, were to say, we would like to have time to consider before we give a reason, it would be rather an extraordinary situation. *Primâ facie*, Ministers of the Crown are the Trustees of the prerogative of the Crown, and when they come to the opinion that it is necessary to change a constitutional practice, one would suppose that they would first of all state to Parliament why they have done so; but when the Government are asked for their reasons they say they are taken by surprise. Having been asked, they have attempted various answers. I really have risen for the purpose of attempting to reconcile, as far as I can, the statements they have made in the interests of what I believe Theologians would call the harmony of the Gospels of the Treasury Bench. The view of the Chancellor of the Exchequer, one of the greatest authorities on the Treasury Bench, is that this is a thing which the Government are bound to do on this occasion, though they would not be bound to do it upon any occasion, nor even in a similar case. He says, "I rest upon the argument that we are not obliged to ask the assent of Parliament." I venture rather to demur to this, and to contend that there is some danger if this is done once that it may be done again, and that Parliament might claim that having been done once it should be done again. Then came into the field a very different knight from the Chancellor of the Exchequer—a dashing authority, the Secretary for Ireland. He said that they found the Treaty-making power of the Crown in a nebulous condition.

THE CHIEF SECRETARY FOR IRELAND (MR. A. J. BALFOUR, Manchester, E.): Not the power of Treaty making, but the power of dealing with cessions of territory.

SIR W. HARCOURT: I beg pardon; that is what I meant. Philosophers distinguish between the effective and

subjective of the question. I admit the nebulosity, but I cannot state whether it was in the person contemplating or the thing contemplated. The matter is perfectly clear, and it is not a question of this lawyer or of that. I do not wish to speak disrespectfully of the lawyers, but I cannot help remembering the criticism of Mr. Burke, when the lawyers gave an opinion in the case of the impeachment of Warren Hastings. He dismissed the opinion of the lawyers with the remark—

"That a rabbit could not be a judge of the gestation of the elephant, and, therefore, he could not conceive that the opinion of practising barristers in the fields of private business were conclusive upon great constitutional questions."

Though not complimentary, I think that view of Mr. Burke was well founded. On the other hand, the Secretary for Ireland said this was one of the undecided cases of constitutional practice and law. How undecided? It has been decided by the practice of centuries. There has not been a single exception, and, in my opinion, that is a decision of Constitutional Law which stands far above the opinion of any lawyer or individual. The Chief Secretary also said that the Government found the question in a nebulous condition, and determined—though they were taken by surprise—to establish a precedent which should dispose of this nebulous state of things, and settle Constitutional Law for the future. It will be observed that a very different view was taken by the Chancellor of the Exchequer, who said it would decide nothing for the future. I said across the floor of the House: "Is it a binding precedent?" The Secretary for Ireland said: "Yes; it is a binding precedent." That is very important. The Government have decided an undecided question of Constitutional Law. The Secretary for Ireland says that what the Goverment have to do in this doubtful and undetermined condition of the Constitution, is to decide for the future on which side they should attempt, by establishing a precedent, to determine an undetermined question. We shall know what it is this reflecting and unanimous Cabinet have determined is to be the real Constitution for the future. Now, the object was a very good object; it was "to enable Parliament to prevent the Ministry beforehand from falling into error." A very necessary object, especially in the present day. Parliament was to be invited to prevent Lord Salisbury from falling into error by the action of Parliament anticipatory of that of the Foreign Office. I commend this to the attention of the noble Lord the Secretary for Foreign Affairs. I suppose this new principle is to be inscribed in letters of gold in the Foreign Office—the principle that Parliament is to be called upon to prevent the Government from falling into error. Well, let us examine the precedent which is thus laid down by the Chief Secretary to the Lord Lieutenant, and see what it really amounts to. First of all we are told that is only to apply in time of profound peace; that Parliament is not to be consulted in case of war; that is not to be within the precedent. Very well, to this extent we have got at the mind of the Government. In time of profound peace, when no great emergencies threaten, Parliament may be consulted; but if great emergencies arise Parliament is not to be considered. Then there is the further condition that no ulterior considerations are involved, because if they are present Parliament must not be consulted; but where the surrender of territory involves no ulterior considerations Parliament may be consulted. We might suppose that the surrender of Malta and Gibraltar involved ulterior considerations, but in that case Parliament is not to be consulted. This is the settlement of the law which the present Cabinet announce. Then, if difficulties of negotiation are introduced Parliament is not to be consulted; but in that case I do not see how we are, beforehand, to prevent the Ministry from falling into error, which is the object at which this new principle is to be aimed. This is the new settlement of a nebulous question by which the Cabinet has decided to determine the undecided principles of the Constitution. The proposition, in fact, amounts to this: the Government may say, "Oh, yes; let us make such or such a cession of territory; but if it involves ulterior considerations Parliament is not to be consulted in the matter." The result must be that if all these conditions are to be fulfilled no transfer of territory could take place till the assent of both Houses

of Parliament is obtained. That is the constitutional view which is presented by the Chief Secretary to the Lord Lieutenant, and then, having announced this clear and definite principle of constitutional usage, he says, "This is a question which we have settled, and this is a principle which I hope will always be adhered to." This being the view presented by the right hon. Gentleman, he was followed by the Attorney General; and I noticed that the hon. and learned Gentleman was a little more cautious, owing, no doubt, to his professional experience, than the Chief Secretary. The hon. and learned Gentleman did not tell the House his own opinion, and in that I think he was wise, because he would have found it very difficult to have reconciled any opinion he might have been able to give with the views of the Chancellor of the Exchequer and the Chief Secretary for Ireland. Therefore, he did not give us his own views on this great constitutional question; nor did he tell us whether his opinion had been consulted. He gave us the opinions of other Law Officers; but what were the views of the present Law Officers he took good care not to state. The hon. and learned Gentleman brought forward a very curious statement about the Orange River case, and he rather reproached me with having been ignorant of what had happened in regard to the Orange River territory. I may, however, tell him that I was perfectly familiar with that case, and may also state that it has nothing to do with the case before the House. We are here talking of a Treaty cession by Parliament; in the Orange case there was simply an abandonment of sovereignty by the Sovereign Power. The hon. and learned Gentleman quoted what he supposed to be the opinion of Lord Selborne, when he was Sir Roundell Palmer, in regard to this question of cession. I was a little amazed at what he told us, and I think the hon. and learned Gentleman was not very kind to Lord Selborne, because he suggested that that eminent lawyer had given an opinion that the Orange River territory could not be abandoned without an Act of Parliament. If the then Sir Roundell Palmer did give that opinion, everybody treated it as worthless, because the sovereignty of that territory was abandoned without an Act of Parliament. As an old friend of Sir Roundell Palmer, I should like to defend him, and I should trust that no such opinion was ever given by him. I remember that Sir Charles Adderley, now Lord Norton, made a speech, in which he said he had not read the opinion of Sir Roundell Palmer; but he stated what he believed to be the views of that Law Officer, as he understood them from a conversation he had had with him on the subject the night before. Sir Roundell Palmer was a man of subtle mind, and the opinion the Attorney General cited as that of Sir Roundell Palmer was an opinion which he had obtained after it had been filtered through the mind of Sir Charles Adderley, the object being to afford the Attorney General a Constitutional authority for overthrowing the Constitutional practice of generations. I do not know what Sir Roundell Palmer's opinion was in those days; but in 1875, when the question was argued before the Privy Council, I am sure that Sir Roundell Palmer held none of the opinions attributed to him by Sir Charles Adderley. So much for the opinions of the Law Officers, to which the Attorney General referred. I now want to examine what is the opinion of the Attorney General himself on this question. The House will find that the hon. and learned Gentleman differs very widely from the doctrines laid down by the Chancellor of the Exchequer, and harks back on those of the Chief Secretary for Ireland. He said he contended that there was no change whatever involved in the procedure of the Government. Now, the Chief Secretary for Ireland had laid down a new principle, which is to govern the future, in consequence of the undetermined condition of the law, and then he said that if that was so there was a binding precedent. But the Attorney General's doctrine was that the question was as to its being in the power of the Crown to act in one way or the other. It was an optional prerogative. And afterwards, speaking of the settlement in Africa, the hon. and learned Gentleman said the existing condition of things was that of a "go-as-you-please contest."

*THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight): I do not wish the right hon. Gentleman to misrepresent me. The phrase "go-as-you-please contest" was not applied by me in con-

nection with the constitutional question. I applied the phrase, which was suggested by the speech of the hon. Member for Aberdeen, to the idea of the European nations being allowed to do what they liked in Africa.

SIR W. HARCOURT: I accept the hon. and learned Gentleman's correction, but I was only applying the phrase to the doctrine of the Attorney General, which struck me as pointing to a go-as-you-please prerogative — a prerogative which you may use or not, just as you like, which you may give up one day and take up the next. That is the doctrine of the Attorney General, who did not contest the right of the Crown to cede territory without the consent of Parliament, when the nature of the negotiations or the interests involved rendered it desirable to proceed in that way. He said—

"The Crown had the right to cede territory without the consent of Parliament, but the fact that the prerogative of the Crown may sometimes be exercised that way did preclude the Crown from the possibility of adopting the other way when it appeared expedient to do so."

That is the hon. and learned Gentleman's doctrine: you may act either one way or the other, as you deem it expedient. Well, this doctrine was so new to me that I shook my head, and the hon. and learned Gentleman rebuked me for shaking my head; but I venture to think that when the Crown invokes a partner in its acts in this way it cannot always very easily get that partner out of the concern. Now, I should like to put to the Attorney General the case suggested by my hon. Friend the senior Member for Northampton (Mr. Labouchere.) I hope the junior Member for Northampton (Mr. Bradlaugh) will forgive me for preferring the constitutional doctrine of the senior Member for Northampton (Mr. Labouchere.) Suppose, to take the case put by the senior Member for Northampton, the House were asked by Bill to assent to the creation of new Peers, would the prerogative be left where it was before? Suppose the Crown, by means of a Bill, asked the assent of Parliament to a dissolution, would the prerogative remain exactly where it was before? I should say, certainly not. I am told I stated too broadly that the prerogative would be gone at once if Parliament were ever associated with its exercise. I hope not. So anxious am I that it should not go, that I will not assert that in a broad way. But I say that if a practice of this kind were acquiesced in and continued the prerogative would be impaired, and ultimately destroyed. That is the history of all the limitations of prerogative in this country. The Attorney General challenged me to give examples where the prerogative has been destroyed by associating Parliament with the exercise of that prerogative. It would take an hour to give all the examples. Hundreds of things are now done by Parliament which in old days were done by the prerogative. Orders in Council, proclamations, monopolies, patents, standards of weights and measures, coin—all these things were pure prerogative rights in former times, and now are all controlled by Parliament. I am stating no new doctrine when I say that if the action of Parliament upon a prerogative right be invited and acquiesced in, in time that prerogative right will be altered and impaired. That is the seriousness of the proceeding of the Government in the present case. If Treaties of Cession are to be dealt with by Parliament it is impossible to say that we can revert to the prerogative unchanged as it was before. The Chief Secretary (Mr. A. J. Balfour) taunted me with a new-born zeal for the prerogative. I do not know why he attributed to me such ignorance of our constitutional history. What Liberal does not know that the great reforms that have taken place in this country since Parliament was reformed have been effected by the prerogative? The old feeling about prerogative depended upon the existence of a corrupt Parliament, which was controlled by the King. The great struggle with the House of Lords in 1832 ended and the people prevailed by the courage with which Lord Grey and Lord Brougham used the prerogative of the Crown. It was the prerogative of dissolution which struck the first blow, and what struck the last blow and overcame the House of Lords was the insistence of Lord Grey and Lord Brougham that they should have unlimited power to create new Peers. Every man who understands how this contest has been fought before, and may have to be fought again, knows the value of the prerogative. Are we going to deprive ourselves of those

weapons which were used with so much effect, and place any prerogative of the Crown at the mercy of the House of Lords? It is surprising to some people that those on this side of the House should be the defenders of the Constitution. Why should we not be? Who made the Constitution?—the Liberals or the Tories? Who limited the Monarchy? Who restrained the power of the Church? Who has restrained the power of the House of Lords? Who has aggrandised the powers of the House of Commons, and made its Members the representatives of the people instead of the nominees of the owners of rotten boroughs and the aristocracy? Was it the Tory Party? I should like to know why we should not defend the Constitution. When you taunt us with defending the Constitution we say you are attacking the Constitution by the precedent you are establishing to-night. It is because we see the mischiefs and the dangers of this proceeding that we have protested against it, and I should be very happy if I could accept the doctrine, not of the Secretary for Ireland, but of the Chancellor of the Exchequer and the Attorney General, that the prerogative given away to-day may be resumed to-morrow.

*(10.40.) SIR H. JAMES (Bury, Lancashire): I am sorry to prolong this Debate, the inutility of which has been amply demonstrated. I think there were a good many persons in the country this morning who must have asked why my right hon. Friend the Member for Derby (Sir W. Harcourt) made his speech of last night; but still more persons to-morrow will inquire why the second edition of that speech has been delivered. Recollecting, as I do, the views which my right hon. Friend has before expressed, I cannot solve that question except by reference to a law of physical science. Electricians tell us that if you have a very high tension of electricity it ceases to be a useful agent and expends itself in wasteful and dangerous sparks. My right hon. Friend has been for some time in such a high state of opposition tension towards the Government, that he is constantly emitting, if he will allow me to say so, wasteful and dangerous sparks. This is a very interesting occasion. Of course, we all pay deference to the observations of my right hon. Friend the Member for Mid Lothian in this House, but it is quite clear that he only represented a secondary current, induced by the primary current of the Member for Derby. My right hon. Friend the Member for Derby has come forward in an entirely new capacity. He is a defender of the prerogative. Very eloquent on the subject he was in his peroration. He would not have it destroyed, or even impaired. But I recollect another night, and another scene. My right hon. Friend was then in a powerful state of Liberalism. His place was below the Gangway in those days, and, standing erect in the purity of his Liberalism, he said, "Mr. Speaker, we below the Gangway do not like prerogatives." My right hon. Friend is bold enough to say that those who made the Constitution of this country did so behind the shield of prerogative. To my mind, the reverse is the fact. Our Constitution, as it now exists, was made by the men who fought against, not for, prerogative. Well, Sir, we Liberal Unionists are sometimes charged with having mitigated our Liberalism in order to support the Government; but here is a change of Liberalism in order to attack it. My right hon. Friend says the Government have abandoned prerogative, for once having submitted to Parliament a subject which can be dealt with by prerogative you can never again deal with it by prerogative.

SIR W. HARCOURT: I said the continued practice of submitting it to Parliament would in time destroy the prerogative.

*SIR H. JAMES: I beg my right hon. Friend's pardon. I was speaking of what he stated last night, not of the revised edition. My right hon. Friend distinctly stated last night, "If once you submit a subject that can be dealt with by prerogative to Parliament to exercise its discretion upon it, the prerogative action is lost and cannot be exercised again." I wish to know whether the right hon. Gentleman the Member for Derby can support his position by authorities? Let me remind him that the right hon. Member for Mid Lothian, in 1871, introduced into this House a Bill for the abolition of purchase in the Army—a matter that could have been dealt with directly by the exercise of the prerogative of the Crown. That Bill was rejected by Parliament, but within a

few hours of the rejection the prerogative of the Crown was exercised, and purchase in the Army was abolished. It is rather strange that the right hon. Gentleman the Member for Derby under these circumstances should adopt the high tone he does when he suggests that, because the Government have submitted this question of the cession of Heligoland to Germany for the approval of Parliament in the form of a Bill, henceforth there is an end of the prerogative of the Crown to conclude Treaties with Foreign Powers. I am rather diffident after what he has said to enter into this question, which is not a very practical question, at any great length, because the right hon. Gentleman, referring to the old saying of Mr. Burke as to a comparison between a rabbit and an elephant, said it was unbecoming in a lawyer to deal with this subject. I have listened carefully to the right hon. Gentleman, and I should like to know what position he wishes to occupy —the position of the rabbit or the elephant. Perhaps he is something between the two. But a rabbit may be so inflated as to cause people, or to cause the rabbit at least to think that he is an elephant. I confess I think the right hon. Gentleman has to-night spoken rather as a lawyer, which he was and is—than as a constitutional statesman. The right hon. Gentleman has said that this measure involves a great constitutional question, but in that case I should like to know what effect the right hon. Gentleman's observations, made 19 years ago, will have upon the hon. Members below the Gangway to whom he to-night addresses himself. Will those hon. Members divide in favour of the exercise of the prerogative by what the right hon. Gentleman characterises as being the most incompetent Ministry that has ever conducted the business of the country, or will they divide in favour of that prerogative being exercised with the approval of Parliament? I must confess I welcome the step that has been taken. My right hon. Friend told us in his speech yesterday that the power of the Crown was diminishing, that the prerogative was not so powerful as before, and that the power of Parliament, which to him is the power of the House of Commons, is increasing. This is another offering to the increased power of the House of Commons. Will any of the hon. Members below the Gangway object to the action of the Government in the exercise of its discretion submitting a question of this kind to the decision of Parliament in a case where the Crown choses to do so? My proposition is that the prerogative of the Crown is in no way diminished or weakened by the fact that the Crown has chosen to ask the approval of Parliament to the terms of this Treaty. This is not an attack on the Crown but a concession by it. The Attorney General was quite right when he stated that the prerogative of the Crown to make such Treaties remains undiminished although Her Majesty's Ministers have brought in this measure. I altogether repudiate the narrow view which the right hon. Member for Derby has taken, that the introduction of this measure abrogates the prerogative of the Crown to make Treaties without the assent of Parliament. The position that the right hon. Gentleman has taken up is that, notwithstanding the fact that the power of the prerogative is diminishing, while the power of the House of Commons is increasing, he desires that all questions relating to Treaties shall be decided by the Crown independently of the opinion of Parliament. For my own part, I heralded this concession to the power of Parliament as against the arbitrary action of Ministers as an acknowledgment that we are advancing towards a fuller exercise of Democratic power. I believe the present system is an insufficient system. When you ask Parliament to express its approbation or disapprobation of a Treaty what does the request amount to? The Treaty has, then, been made and carried into effect. You can do no more than pass censure on the Government, which may, in consequence, be thrown out of office. There is many a Treaty which a man will condemn but in regard to which he will say, "I must leave my opinion unexpressed, because, if I express it, the Government will go out of office." That is not a true expression upon a Treaty. The purest way of obtaining the opinion of Parliament by those who value it is to ask Parliament for an expression of opinion directly upon the Treaty itself. How is that to be done unless the Treaty is submitted to Parliament? If the circumstances attaching to the Treaty are such that the Government, acting on he advice of its Ministers, say, "We

will consult our Parliament and our people before we allow the Treaty to come into positive effect," where is there any impairing of the proper position of the Crown? In showing greater confidence in the country where is the injury to the State? My right hon. Friend has not pointed out any substantial injury. Let me look to the future. Any cessions of territory we may hereafter make must be of territory in India, the colonies, or of a few valuable possessions, like Gibraltar and Malta, in Europe. India presents many peculiar considerations, and of it I will say nothing. Are are we to be told by one professing Liberal principles that before any cession of territory is to be made the sanction of Parliament should not be given? Ought any of our colonial possessions, to which we have given Legislative powers, to be ceded without the sanction of Parliament? And I ask if any of our few possessions in Europe, if Gibraltar and Malta had to be given up, is there any man, who values the proper condition of political life in this country, who would allow his hatred of a Ministry to influence him so much as to cause him to object to the fact that before those valued possessions are yielded up the policy of the Ministry in so doing should be discussed by Parliament? Avowedly, when we have legislated for our territories, they should not be ceded without the assent of Parliament, for if they were, the Crown might so repeal the legislative Acts of Parliament. I regret that I have occupied the attention of the House, even for a short period, but I was anxious that some old comrade of my right hon. Friend (Sir W. Harcourt) in the happier days of his truer Liberalism should remind him of the time when his actions and opinions were not distorted, as I fear they now are, by the overpowering desire to defeat a Party and destroy a Government.

(11.0.) SIR W. LAWSON (Cumberland, Cockermouth): The Division that is shortly to take place looks as if it were going to be a go-as you-please Division, and before voting I should like to say a few words on the Bill before us. I think we have got into a rather extraordinary position. The position of Parties seems to a casual observer to be somewhat reversed. We have our Tory Friends opposite apparently giving up the prerogative which they are generally supposed to support. We have some of our Radical friends going to vote for the Government. What is more remarkable, we have a difference of opinion between the two Members for Northampton, and, most remarkable thing of all, we have a declaration from the Members on the Front Opposition Bench that they are not going to vote at all. I daresay that is a patriotic, and I have no doubt it is a prudent, course. We have heard a great deal about the object of the Agreement—about opening out Africa. The Under Secretary for Foreign Affairs said the object of the Agreement was to make the Sultan of Zanzibar more comfortable. We have been told a great deal about "spheres of influence." We have been told that it is for the good of the human race. Then we have had Christianity and civilisation brought in. I got a circular the other day from the Duke of Fife, asking me to take shares in a steamer for the African Lakes, which he said was going to promote Christianity. I do not believe in Dukes promoting Christianity among the Hottentots by steam. When Englishmen talk about Christianity and civilisation in those parts of the world they mean rum and gunpowder. We are told from the opposite side of the House that this is a great and statesmanlike policy. My hon. Friend the Member for Aberdeen (Mr. Bryce) said the Agreement was to the effect that within certain limits Great Britain and Germany would not interfere with one another. But they agree that they will interfere with the natives to whom the country belongs, and with whom they ought to have nothing to do. It is a Treaty to divide the spoil. Of course, the principal thing mentioned in the Bill is the giving up of Heligoland. I take a great interest in Heligoland, because I have been told it is the cradle of my race. The Under Secretary of State told us that some man had been there and talked with a hundred people, and that he only found one who did not wish to be united with Germany. I should like to know who it was that got the information. I admit that there is some good in this Treaty—in some parts of it. It frees the Heligolanders and arranges for the preservation of their native customs. I do not altogether dislike this giving up of Heligoland. It

is a good precedent. The hon. Member for Whitby, in his able speech last night, alluded to Heligoland as the Northern Gibraltar. Well, when the Tories give up the Northern Gibraltar I hope to goodness when the Liberals come in they will give up the Southern Gibraltar. On these grounds I have come to the conclusion that, on the whole, this Treaty will not do any more harm than most Treaties do. I was very strongly tempted to vote for it; in fact, it was a long time before I could make up my mind. I do not quite agree with my hon. Friends who so ably discussed the constitutional question. I daresay they are right, as they understand the matter so thoroughly, which I do not pretend to do. Ever since I have been in this House I have done all I can to procure for it a more complete control over all these Treaties. I agree very much with the speech of the right hon. Gentleman the Chief Secretary last night, or with a great portion of his speech. He said that to take these matters into consideration before the evil was done was better than inflicting a punishment after the event upon those responsible, which the right hon. Gentleman the Member for Derby seems to think would be sufficient. The Chief Secretary said, "Prevention is better than cure." He also said he wished to give the greatest authority to Parliament in this matter. These are very Radical doctrines, in my view. I agree with them, as I think that, though there may be objections to what is going on, it is a great thing to have it admitted by the Tory Party that these things ought to be under the full and complete control of Parliament. As the junior Member for Northampton said in his speech, "You cannot go behind it when you have done it." It was the same with the Compensation Bill. If you had bought out the publicans you could never have got behind it, and if you bring one Treaty before Parliament you can never make another without bringing it fully and completely before Parliament. That is my opinion, and, because I believe in representative Government, I believe the Representatives of the people ought to have full and complete control over all these matters. The right hon. Gentleman the Member for Derby pointed out a danger when he said, "You should not give a veto on foreign policy to the House of Lords." I quite agree with that. I should like to give them a veto on nothing, but we cannot help ourselves. The House of Lords is a danger to all our proceedings. They never do any good anywhere. If we ever do a good thing, they upset it—that is their business, and so long as the people of this country are willing to keep a House of Lords to overthrow whatever we do, we must make the best of it. Parliament is Parliament. I thank the Government very cordially for having taken this Radical step of introducing a Bill on real Radical lines, instead of keeping the thing out of the power of the House of Commons. But to come to the Bill itself, which has not been very much discussed, it is a measure intended to meddle and muddle and interfere with places and people whom we had much better let alone, and, therefore, on that ground, thinking the Bill is calculated to do more harm than good, I shall vote with my hon. Friend.

*(11.12.) MR. CHANNING (Northampton, E.) (who spoke amid loud cries of "Divide!"): I intend to record my vote against this proposal, because I think it is an odious and a dangerous precedent to hand over British subjects and an English colony to a foreign country without formally and in a constitutional manner ascertaining the wishes of the inhabitants. As a Radical, I have no sympathy with the Jingoism which has talked of nothing during the last two nights' discussion but the conquest and appropriation of different spheres in Africa. That, and the grave constitutional question raised by the right hon. Member for Mid Lothian, have taken up the whole of the Debate, and practically nothing has been said on the real point raised by this Bill. I wish here to enter my protest against handing over these people to a foreign Power without consulting their wishes.

(11.15.) MR. CONYBEARE (Cornwall, Camborne): I should not have risen but for two reasons; one is the unseemly howls which have proceeded from the other side of the House——

*MR. SPEAKER: Order, order! The hon. Member is entitled to a hearing, which I hope he will receive, but he is out of order in making use of such an expression.

MR. CONYBEARE: I bow to your ruling, Sir, and will not use such an

expression again, and I hope I may be allowed to proceed. I was going to say another reason why I intervene in the discussion at this point is because certain words fell from the hon. Baronet the Member for Cockermouth to which, as a Radical, I must take exception. The hon. Baronet has fallen into the bad habit of congratulating and complimenting the Party opposite, a habit which I think ought to be repudiated on this side, particularly when the hon. Baronet says that a precedent is being set for the Radical Party. Rightly considered, it is a precedent of a most vicious character, against which Radicals should protest, because if you consider the true aspect of the question, from a constitutional point of view, it is perfectly clear that although the Tory Party are pretending to do something to transfer some of the Treaty-making power from the Crown to this House, in effect they are doing nothing of the kind. They are diminishing by one-half the power this House has hitherto possessed by allowing the other House to interfere in the control this House possesses over the Ministry in the exercise of the Treaty-making authority that lies with the Crown. For this reason, and on this constitutional ground, I strongly resent the suggestion that Radicals should support the Government proposal as a good precedent. My hon. Friend (Sir W. Lawson) has commented with approval upon what the Chief Secretary said last night, that "Prevention is better than cure," but it has not been shown how this copy-book aphorism bears on this case. The Government come down and throw this Bill at our heads, but the Treaty is signed already, and much mischief is done, even though we refuse to ratify it by rejecting the Bill. We should do something on the Radical lines if we could compel a Conservative Government, before the signing of a Treaty, to come to the House of Commons and say, It is for you to decide whether this should become a Treaty or not. It was for that reason that within a few months of my entering the House I voted against my own Government for a Resolution tending in the direction I have indicated, and I am not going back upon that vote now by my vote to-night, which I shall give heartily, and without the least conpunction, against the Government. I would make it necessary for the Government to come to this House, and not to go to a hereditary House, who represent nobody but themselves, before signing a Treaty, and get the consent of this House. Such a proposal as that would proceed on Radical lines, but this Bill forms no precedent of the kind. If I may leave the constitutional question I will say a word or two upon the Agreement as it stands. I have followed the Debate throughout, but I have not heard the important question argued that we ought to have insisted at all hazards on the retention of the right of way—not an imaginary easement, but a solid right of way—provided in the Agreement between Lake Tanganyika and the Victoria Nyanza. I refer to that because, so far as I am able to judge, nobody, with all the talk of the necessity and duty of ourselves and Germany to carry civilisation through Africa, has pointed out that the most effective method of civilisation will be by opening railway communication. Those who look beyond the immediate present, and take a fair view of the future, know that one of these days a trunk line of railway must be constructed north and south, and by the limitations involved in the acceptance of the Hinterland doctrine laid down by the German Government, and allowing them to push their territory from the coast to the boundary of the Congo territory, our Government have cut off this country from all right to lay down such a means of communication to connect our territory on the Zambesi with that north of the German sphere of influence. This is a fatal blot in the Agreement, however beneficial it might be in other respects. There are some hon. Members on this side who have said we ought to have thrown Heligoland to Germany as a gift, without compensation or *quid pro quo*, but I disapprove of the cession, not as the giving up of a mere piece of land, but as disposing of the population without their consent, or any attempt to ascertain their wishes, for political purposes, as if they were mere pawns on a chess-board, or mere appurtenances of the island. I do not think it is incumbent upon us on any high moral doctrine to say to Germany you shall have it without anything in return. It is of value to us if it has a value to Germany, and we are justified in making the best arrangement we can. While I admit this, I must protest against the

Jingo doctrine of unlimited annexation. I do not desire that we should go about the world snapping up any "unconsidered trifles" of land, and warning the rest of mankind from poaching on our manor. But I do say this, that when by colonising actively we have secured anything like power and influence over territory, where we have shown ourselves able to introduce order and good government, and to confer benefits on the native population—I say when we have done that, in spite of all the evils of the three R's my hon. Friend the Member for Sunderland (Mr. Storey) described, then we have a right to take such steps as will protect our interests. But my contention is that we have yielded to Germany in every quarter of Africa, and the concessions in return are of little worth. It is not necessary for me to travel over the whole ground covered by the Agreement. I could point to Despatch after Despatch in which, although it may be true that we have not in so many words guaranteed the independence of Zanzibar, we have entered into solemn engagement to respect the independence of the Sultan of Zanzibar, and I want to know how we can face the world and claim respect for Treaties when we go behind the back of one contracting Power, France, and make an arrangement with Germany, deliberately violating that independence of Zanzibar which, with two other Powers, we entered into engagements to respect and protect. What is the meaning of respecting the independence if we are going to take over the Protectorate, that is to destroy the sovereignty of the Sultan on the island, as a *quid pro quo* for concessions given to Germany? One of two positions it is impossible to deny; either we are getting nothing at all, so far as Zanzibar is concerned, for Heligoland and all the rest of the sacrifices made to Germany, or else we are getting actual sovereignty over Zanzibar, going back upon our word, tearing up a Treaty, and flinging an insult in the face of France, a party to that Treaty, and with whom we must, I suppose, arrange to give up some little corner of the Empire as a solatium. All this is done by the Party who, a few years ago, were rampaging up and down the country declaring against separation and disruption of the Empire, because we proposed to give the power of dealing with their own affairs to one section of our fellow-subjects. But the action of hon. Gentlemen on those Benches does not surprise me; it is only one more of their election pledges broken, for which their constituents will, ere long, call them to account.

(11.30.) Mr. SYDNEY GEDGE rose in his place, and claimed to move "That the Question be now put;" but Mr. SPEAKER withheld his assent, and declined then to put that Question.

Debate resumed.

(11.30.) SIR J. SWINBURNE (Staffordshire, Lichfield): I ask the House to allow me a few words. Though a seaman by profession, I do not pretend to be a sea lawyer, and, passing by the constitutional question, I look at this from a plain business-like point of view. Here we have given up to Germany, Damaraland and Namaqualand, while we retain Walfisch Bay. I do not pretend to be envious of the possession of Damaraland and Namaqualand; no doubt, the territory has considerable mineral wealth, although there is a great lack of water. But I do protest against Walfisch Bay being held without any determination of boundary; it is extremely likely to lead to complications with the German Empire. This is a question of great importance to Cape colonists, to the Orange Free State, and the Transvaal Republic. Both of those great countries will, no doubt, in a short space of time find it to their great advantage to join the English colonies of the Cape of Good Hope and Natal in a confederation, such as that of the Australian colonies, or in some way to come under the British flag. These colonies are now rapidly developing their trade. I call them colonies, for although the Orange Free State and the Transvaal have separate flags, we have suzerainty over these States. They are most anxious to develop trade to the North-West. I have had personal practical experience, which I think no other Member of the House has had, as a resident in the country just south of Zanzibar, and I know that to the North-West of the Zambesi and the Victoria Falls there is a populated country, which is of the utmost importance to Cape Colony and the Orange Free State as a market for their produce and European imports. I would not propose taking possession of that, but it is important that the route should be kept open, and

the effect of the extension of the German boundary to Long. 21° E., and to a point north as far as Victoria Falls is that, to use a familiar expression, the South African colonies have "got their head into Chancery," with the German arm round their neck. We are left with but a narrow neck of territory of 300 miles between Victoria Falls and Zumbo. Now, I contend Germany should not be allowed to make good this claim to put an arm round Cape Colony. Germany has, I believe, only some 200 German subjects in Damaraland and Namaqualand, and it is quite absurd for them to put forward the declaration that they wish to open trade to the North-West of the Zambesi. Then a part of the Treaty applies to the route between Nyassa and Tanganyika. There we have the Stevenson Road, and the Germans come within three or five miles of that road, with the consequence that there will be everlasting disputes, and that trade will be choked. It has been urged, and I do hope the Government will still urge, that the German Government should allow their boundary to be pushed to latitude 8°, including within British territory the highlands to the North-East of Lake Nyassa, a health plateau of enormous value as a sanatorium to our miners and traders. This is really one of the most important points in this Treaty, this highland at the North End of Nyassa, and we ought to secure a belt of British territory to the end of the Stevenson Road of 60 or 100 miles. We are to have the "Protectorate" of Zanzibar, but why modify terms? What is really meant is, we are to take possession. But we cannot do that without coming to terms with France, and what terms will France demand? She will demand possession, call it a Protectorate if you like, of the Island of Madagascar. Consider the effect of this. In case of war the Suez Canal would be blocked in a fortnight, and all our communication with our Indian possessions would have to be round the Cape. From Madagascar there would be ready means to harass, if not to stop, our communication with India. These are matters that should be taken into consideration in a broad view of the situation and its probabilities. We have heard a great deal of the benefit of our rule to native races, but this has been by no means an unmixed blessing. Tribes have disappeared in consequence of European vices and diseases introduced among them. What may we reasonably expect from the German rule? One of the first things they did when they got possession of the Zanzibar coast was to follow the bad old British custom of bombarding the natives. I had hoped this custom had been given up, but the Germans followed our bad example of the last century. Again, I would press on Her Majesty's Government to re-consider the boundary between British and German territory, and not to allow the German boundary to be pushed up to Victoria Falls, where they have no earthly claim, and within five miles of the Stevenson Road. We know from experience traders frequently make a *détour* of 200 or 300 miles through a sandy desert rather than go through the Transvaal Republic, where they would be harassed by the authothorities and subjected to duties, and I fear that equally deterrent difficulties will present themselves when the Germans have established themselves permanently in the North-West of Cape Colony. I do hope that Her Majesty's Government will endeavour to modify this part of the Agreement.

(11.40.) COLONEL NOLAN (Galway, N.): I only wish to indicate the magnificent nature of the gift Her Majesty's Government are making to the German Emperor. Heligoland is admirably adapted for fortification, and could be made most formidable in time of war. When German engineers and Krupp have had it in hand for two or three years it would be a very difficult thing, I think, for the whole British fleet to take possession of it after a three years' siege, even if not a single German ship were to sally out from ports in the rear. It is just the right size for fortification; the cliffs are admirably adapted for it, and the garrison need not be large. It is not adapted for a good Naval port, but the Germans do not want it for that, but as a fortress, under protection of the guns of which German vessels can run when attacked by superior force. Vessels can, I believe, run close in, for there is a depth of 26 feet at low spring tides. Its position is just what is required by Germany, and if the German Emperor had the power of moving the island I do not think he could find a better place. It is 25 miles

from the mouths of the Weser and the Elbe, and as there are guns that will carry 15 or 16 miles, the Germans will have a full command of the passage between the island and the mainland, and it would be impossible for any large ship to intercept communication with the mainland in time of war. In future warlike operations all lines of blockade will have to be drawn outside Heligoland, and that means a line so long that it would be practically impossible to effectually blockade the Weser and the Elbe. Nothing is more likely to lead to complications with neutral Powers than an inefficient blockade of a belligerent port. If Heligoland is not in the hands of the German Emperor it is possible to blockade the Weser and Elbe, but if Heligoland is in the hands of Germany, it will be impossible, even for a great Naval Power, to keep up an efficient blockade. I do not blame you for giving this gift to the German Emperor, but why did you not at the outset say what you were giving? The Ministry and the Conservative Party, with one or two exceptions, have minimised the value of Heligoland because they do not wish the English people to think they are giving away too much. I acknowledge the island is far more valuable to Germany than to England, but still it would be valuable to England. I should like to know whether it is true, as reported in the newspapers, that Russia has addressed remonstrances to us against the cession. I can understand that Russia will not like Heligoland in the hands of the Germans, because it will be a sort of temptation to the German Government to one day annex Holland. In that case Germany would be a formidable rival of ours, both at sea and in respect to our Colonial Empire.

(11.50.) The House divided:—Ayes 209; Noes 61.—(Div. List, No. 201).

Bill read a second time, and committed for Monday next.

SUPPLY [18th July]—REPORT.

Order read, for further consideration of postponed Resolution:—

"That a sum, not exceeding £97,499, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the expenses of the General Prisons Board in Ireland, and of the Prisons under their control; and of the Registration of Habitual Criminals."

(12.0.) Mr. J. G. FITZGERALD (Longford, S.): I beg to move a reduction in the amount of this Vote, and I do so in reference to grave matters in connection with prison administration in Ireland which I have to lay before the House. This is necessary from the failure of the Chief Secretary to give any reply to these grave specific charges which were made, not for the first time, when we were considering this Vote in Committee, and this must be my apology for again troubling the House on this the final stage of the Vote. The prison to which I refer is Derry Gaol, and the officials against whom charges are made are Dr. Plunket; Dr. O'Farrell, the Inspector of Prisons; and Sir William Miller, who is still medical officer to the prison in which those prisoners to whom I shall presently refer lost their lives, which loss of life I hold the prison administration responsible for. I do not desire to do the Chief Secretary an injustice, and, therefore, I will mention that on the last occasion the right hon. Gentleman said the accusations made were not those that were brought forward on a previous occasion last year; that Derry Gaol was undoubtedly old, and many cells therein were not equal in size to those found in modern prisons, and that all that was required was to diminish the number of prisoners sent to Derry Gaol, so that there should be no necessity to use the smaller cells. I now propose to make my accusations exactly in the same form as they were made last year, so that the Chief Secretary may have no complaint to make on that score, and I think I can show that something more is needed than a reduction in the number of prisoners to avoid the introduction into the prison of that plague against which we warned the right hon. Gentleman 12 months ago, and which, if it once enters, is as likely to kill a small number as a large number of prisoners confined therein. To make myself clear, I shall be obliged to touch upon what the right hon. Gentleman calls ancient history, and to which he seems to have much aversion since public opinion compelled him to recede from the position he formerly took up and to have recourse to the more modern methods of prison treatment. It will be within

the recollection of the House that lamentable occurrences followed the earlier methods, ending in the death of John Mandeville and others, and permanent injury to the health of many of my hon. Friends. The right hon. Gentleman, by declarations in and out of the House, threw the whole onus of the care of prisoners on the Prisons Board, against whom as a body I have not a word to say. But, unfortunately, these lamentable occurrences did not end with the declarations of the right hon. Gentleman. A disease, to which I shall presently refer, broke out in Derry Gaol, attacking four prisoners, three men and one woman, and it killed the woman and two of the men. Among the deceased was the youth M'Gee, who had been allowed to remain in prison during the whole time of his illness, and who was sent to his desolate home on the morning following a night passed in delirium. All these prisoners were allowed to be done to death in prison month after month under the ignorant eyes of the medical officer, Sir William Miller, whom I charge with incompetence, but whom the Chief Secretary describes as an able public servant. In consequence of these deaths, we called for an examination into the condition of the prison. This was made by Dr. O'Farrell, who made a Report, and to one or two paragraphs of this Report I shall have to refer. He says—

"A careful examination of the present sanitary arrangements of the prison has satisfied me that there is nothing in the condition of these that would be in any way injurious to health. The buildings are in good condition, and are kept scrupulously clean and orderly; the cells are well ventilated, and the closets of modern type."

In another portion of the Report the Inspector supports me in my charge of incompetency against Sir William Miller, because he says—

"Looking back on the whole circumstances of the case, it is a pity that the disease of which the boy M'Gee died was not observed before."

That is to say, that the prisoner died of a disease contracted in prison; that he had it all the time he was in prison, and the doctor in charge knew nothing about the disease. I beg the House to remember what Dr. O'Farrell says about the sanitary condition of the prison. Now I come to brief references from a more recent Report made by Major Beamish, an English Prisons Inspector. He says—

"At the south-west angle of the male prison there is a hole in the ground where ashes and other refuse accumulate for six months before being cleared,"

and, Major Beamish naïvely remarks,

"It is not a good sanitary arrangement to allow refuse to thus accumulate for such a length of time."

Major Beamish says the cells are half the size of those in English prisons; that there are 75 inches allowed for the inlet and outlet of fresh air, and no means whatever for the exit of foul air. English prison cells have 108 square inches for inlet and outlet, besides ventilating traps in the wards and air shafts in connection with the ventilators for the exhaustion of foul air. There is no reception room in the prison, but there is a bath room used as a reception room, where prisoners are huddled together higgledy-piggledy, and where, Major Beamish remarks, the air is very foul, and here the prisoners' clothes and changes of clothes for the prisoners are kept. But this is a trifling matter compared with the Report as to the sanitary condition of the gaol. Here we are told there is no trap at the base of the soil pipe and no ventilation for air to enter the drain. It is a matter of opinion among sanitary scientists whether air can possibly escape through Buchan's trap; but here there is no trap whatever; the air consequently entered the prison through the closets, and no doubt was an important factor in producing the complaint for which these Derry prisoners died. At the time the Report was first brought under our notice I charged Sir William Miller, the medical officer, with incompetency, and, as to Dr. Plunket, I said he was entirely ignorant of sanitary science. It was reported that these patients died of galloping consumption. I say that they died of diseases perfectly well known to medical men—*i.e.*, typhoid-pneumonia, and suppurated typhoid-pneumonia. I want security for the future. I say that this prison must be levelled to the ground before it can be made fit for the reception of prisoners, and you have no right—legal or moral—to confine any class of prisoners, and much less prisoners for a crime created by yourselves, in a prison which your own Inspector has admitted should be pulled down. We hold the Chief Secre-

tary, who is the head of the Irish Government, responsible for these lives; we say that they were sacrificed to the avarice of his unworthy confederates, and that they would never have acquired the gaol plague had he not driven them from desolate homes in order to collect the rents of his friends. There is no other people on the face of the earth whose kith and kin would not exact vengeance from you in the form of the lynch law advocated by one of your Judges. Derry Prison is a pest hole and fever den, and I trust the right hon. Gentleman will give us an assurance that in the future he will not confine prisoners there. I beg to move the Amendment which stands in my name—a reduction of the Vote by £2,000.

Amendment proposed, to leave out "£97,499," in order to insert "£95,499." —(*Mr. Fitzgerald.*).

Question proposed, "That '£97,499' stand part of the Resolution."

(12.24.) MR. CONYBEARE (Cornwall, Camborne): I regret that my enforced absence on public duties elsewhere last week prevented me from taking part in the discussion on this Vote, because it is more convenient to bring forward facts and complaints at a time when it is possible to speak more than once, and to expose the fallacies in which the Chief Secretary indulges. I think I was entitled to address the House even at some length on my own treatment in Ireland by the Resident Magistrates at Falcarragh, but I refrained from doing that last night because I preferred to describe my treatment in Derry Gaol. I have listened with great interest to the clear and precise statement by my hon. Friend who moved the reduction of this Vote. I shall not attempt to follow him in dealing with the sanitary deficiencies of Derry Gaol from a scientific point of view. But I am, like my hon. Friend the Member for Mid Tipperary—a co-criminal with myself—able to speak on the general character of the prison arrangements, and I think I am in a position to throw some light on matters mentioned in Major Beamish's Report and the observations thereon of the General Prisons Board. While I was incarcerated in this gaol I had the satisfaction of seeing this Inspector going his rounds. Now, I will first deal with his statement as to the cells for first-class misdemeanants. He says there are two large cells in detached blocks for the use of first-class misdemeanants, each containing 675 feet cubic space. In the observations of the General Prisons Board I find that Colonel Burke states that, in addition to the ordinary cells, there are now provided two other first-class cells, one containing 1,000 cubic feet space, and the other 1,600 cubic feet, both boarded and well ventilated and artificially lighted. My complaint is that these statements are absolutely misleading, and I ask the leave of the House to explain exactly what those cells are and what they were intended for before Father M'Fadden and myself came to occupy them. The cell in which I was incarcerated for 13 weeks and 8 hours contained 1,600 cubic feet, but it will better explain if I state that it is a tunnel 15 feet long and 9 feet high. So far from it having been intended for first-class misdemeanants, I am positively assured by the Governor of the gaol and by the Visiting Magistrates, who on two occasions punished me for my rebellious conduct, that there was no provision for first-class misdemeanants. In fact, my cell and a lesser one near had been used as store rooms. The lower part of the other cell was cut off for the purpose of being used as a water closet. For the first 24 hours of my confinement there was no ventilation beyond the air let in at the top of the window through an aperture of not more than five or six inches. Almost all the windows of the prison are of roughened glass to prevent the prisoners looking out. That is a refinement of cruelty which is a shame and a scandal. When Dr. O'Farrell came his round, I told him I should certainly prefer a complaint as to why the window of my cell could not be properly opened; and I told him that if it was not opened I would smash the whole thing to smithereens. My remonstrance had the desired effect; and I had the satisfaction of looking from my prison window to the green fields, which could be seen beyond the intervening roofs. But Father Stephen, Kelly, and others, who were imprisoned for exactly the same crime as that for which I was confined, had the plank bed and mean prison fare, and they were unable to see from their windows. It was an unnecessary refine-

ment of cruelty, because, with the warders constantly patrolling, there was no danger of escape had the windows been opened. It is said in the Report that there is plenty of ventilation in the corridors of Derry Gaol; but it should not be forgotten that the prisoners are shut up in their cells for the whole 24 hours, excepting two allowed for exercise. We are told that the gaol must be entirely levelled and rebuilt, but we have no assurance from the Chief Secretary that that radical reform will be instituted. There are eight or nine different yards of different sizes in which the prisoners are exercised, and I pointed out to the Magistrates that it was possible to place a shelter in more than one of those yards; but the only answer I got was that the prisoners had got on as well without it so far; that it would be an expensive job, and that they did not know that anything of the kind existed in any English prison. The result is that on wet days the prisoners either have to remain in their cells during the whole 24 hours, which happened more than once while I was there, or they had to walk round the yards in the pouring rain, and afterwards to go and sit in their damp cells in their dripping clothes. This being so, there can be no wonder that typhoid fever, consumption, pneumonia, and other fatal diseases have carried off some of the prisoners during the right hon. Gentleman's *régime*. Such a state of things is a scandal even to the civilised rule of the present Chief Secretary for Ireland, and I say we have a right to insist that in the future this House shall have some assurance not only that these evils shall be remedied, but that there shall be adequate shelters for the prisoners on wet days, and that as far as may be no more lives shall be sacrificed to the ruthless vengeance of the present Government of Ireland. There is another point on which I addressed a remonstrance to the Visiting Justices, and that was a point on which I succeeded in carrying my suggestion. It will be remembered that questions were asked in this House last year, as to the effect of the constant glare of the whitewashed walls on the eyesight of the prisoners; but I had no fear that in the comparatively short time of three months or so I should myself naturally suffer from this cause; but having to spend most of my time in reading in my cell, my eyes did suffer great inconvenience. I will give some proof of the effect of the glare of the whitewashed walls on the eyesight. I was exercising at half-past 9 o'clock one morning when the doctor came to see me. It was not Sir William Miller, but Sir William Miller's son. I may here say that although I do not think Sir William Miller is a competent authority on hygiene, I was always treated with the greatest kindness and consideration by that gentleman, and when he was absent by his son. Of course, I was a first-class misdemeanant, and perhaps Sir William Miller may have thought that he might allow more latitude in listening to my chaff about Home Rule, and so forth, than would be the case when he was talking to John Kelly. At any rate, I believe I may say without exaggeration that whatever may have been their motives these gentlemen did their best to make my lines in prison as comfortable as they reasonably could. But in speaking of my own personal treatment it must not be taken that I am excusing the treatment in the shape of harshness of other prisoners worse circumstanced than myself. Well, returning to Sir William Miller's son, we were standing close to a whitewashed wall, and the doctor turned away, saying, "How the glare of that whitewash does affect my eyes." Now if, when the glare of the sun was on that wall, the doctor found it too strong for his eyes during a few moments, surely we prisoners had a right to complain when we had to stand it day after day for months. The hon. Member for Clare, who was once incarcerated for nine months, found his eyesight naturally affected from the same cause. Well, before my time had expired the order had gone forth that the prisoners' cells should be blackwashed, that is to say, they were coloured with a sort of dusky tint, which afforded relief to the eyes, although it had the effect of somewhat darkening the cells. I now want to say a few words about the cells of the first-class misdemeanants. They are in the reception block, which is situate in that part of the buildings immediately at the back of the gaol office. There is one staircase in the block, and on the left-hand side of the staircase is the bath-room. What I want to put before the House is the

fact that there is no proper distinction, in regard to this matter, between the prisoners of the worst and dirtiest class and the first-class misdemeanants, who are in other respects placed in a much more favourable position than the other prisoners. The new prisoners are brought into the waiting-room on the right-hand side, so that their descriptions may be taken down, and so forth; but at night that room was not in use, and the block in which I was imprisoned contained the casual ward, into which most of the drunken and noisy prisoners were introduced before examination, and locked up until they could be seen to in the morning. This is a matter on which, if I had been desirous of making a complaint, I should have been quite justified in so doing; because often, when I had retired to rest, these prisoners, many of whom were brought in for being drunk and disorderly or riotous, gave the warders a great deal of trouble, and there was so much noise on that staircase as to completely disturb everybody in that block. Naturally, a great many of these prisoners were of the lowest character, reeking with vermin of all descriptions. They were taken into a room called the bathing and dressing room, and in this same apartment—this very small apartment—was the weighing machine, in which all the prisoners were required to be weighed. Week after week, during the time that I was incarcerated, I was brought down to be weighed on this machine, so anxious was the Chief Secretary to show that I was improving in weight. I was brought into this disgusting hole perhaps a few moments after the dirtiest of the dirty had been in the scale, and I was compelled to stand there in my bare feet. After this had been going on for some weeks, as the House is aware, I was attacked by a loathsome and troublesome complaint, which I do not desire any further to refer to. It occasioned all these Reports on which we are basing this discussion to-night, and Dr. O'Farrell came down to discover, if he could, what was the origin of this particularly noxious complaint. I believe he tried his best to come to a conclusion, and all sorts of theories were suggested. It was said that even the unfortunate pigeons who used to feed in my cell were caught and examined to see if they could have communicated this pestilence to me. But after I had seen one of these ordinary dirty prisoners stripped naked in this waiting room, I came to the conclusion that the fact of my being compelled to go into the scale barefooted after one of these fellows had been weighed was the cause of my misfortune, and therefore, when I came to this conclusion, I declared my refusal to go into the scale in that cell any more, whatever punishment they might choose to inflict upon me for such refusal. In this case, as, in fact, in every other, I got what I wanted. After a few days they took the scales out of this waiting room, and weighed me in the yard. To get to the store-room, where the private clothes of the prisoners were kept, it was necessary to pass through this filthy waiting and bathing place. Some of my things were kept in this store-room with those of the ordinary prisoners. I hold that it was a most improper thing to put the clothes of the first-class misdemeanants in such a place, where they had to run the gauntlet of being infected with all sorts of filth and vermin. To say that in this gaol there was any accommodation for first-class misdemeanants is the most ridiculous statement ever ventured upon, and if it is not a mistake in these Reports it is put in for the purpose of deceiving the House. The Chief Secretary may reply that there were so few first-class misdemeanants that they were not worthy of consideration; but, I say, why not place such first-class misdemeanants as you do get, however few in number, in a proper place? Mr. T. D. Sullivan, when Lord Mayor of Dublin, was incarcerated in Kilmainham Gaol as a first-class misdemeanant, and he was supplied with two rooms—a sitting-room as well as a bed-room. The rooms were properly ventilated, and he had an open fire-place in his sitting-room. That was accommodation with which one could not have found any complaint, and I never heard that the hon. Member had to run the gauntlet of a cell through which the dirtiest and most pestilential prisoners had to pass. Mr. W. T. Stead and Mr. Gent-Davis were also first-class misdemeanants. The former, who was no more criminal than I was, was placed in a more or less comfortable apartment in Holloway Gaol. There was a good deal of difference between the criminality of the offences of Mr. Stead and myself as compared with that of

the offence of Mr. Gent-Davis. My only offence was giving a loaf of bread to a starving family, whereas that of Mr. Gent-Davis was one of having grossly defrauded parties to whom he was deeply indebted, and yet his accommodation, as hon. Members who remember what was said about it at the time will recollect, was palatial compared with either that of myself or the hon. Member for the College Green Division when we were first-class misdemeanants. We have a right to insist upon this point, because, if there is one argument, except the *tu quoque* argument, on which the right hon. Gentleman the Chief Secretary prides himself more than another, it is—"You have no right to complain, as first-class misdemeanants are treated in England in the same way as in Ireland." Anyone who knows the facts of the case knows that that is not so. Now, towards the end of my imprisonment I was anxious to consult a solicitor in regard to certain libels which had been published against me in certain newspapers. After some difficulty I succeeded in obtaining the assent of the Prisons Board to an interview with my solicitor, but when that interview took place a warder came and thrust himself into the little apartment in which I was to confer with my legal adviser. I refused to hold any conference with my solicitor under those conditions, and, by reference to the prison rules, I insisted on my right to have a private interview with my solicitor. I was not even then allowed to have a private interview in the proper sense of the term. I was compelled to take my seat on one side of a table, with my solicitor at the other; the blinds of the window were drawn up, and a warder was posted outside to spy out everything that took place, and, if possible, to listen to everything that was said. That is the way the right hon. Gentleman the Chief Secretary treats his first-class misdemeanants. I do not wish unnecessarily to dwell upon the details of these particular inconveniences and annoyances to which I was subjected; but I may say, while it is in my mind, that the prison authorities did what they could in this mean and petty way, so characteristic of the present Tory administration, to heap what they thought was indignity and insult upon me. When I was leaving the gaol to return to England on the termination of my sentence I asked for that which I believe I had a perfect right to, namely, first-class railway fare, but this was denied me, a second-class railway ticket being thrust into my hand by a warder. This is a petty matter, and I merely mention it to show the miserably mean and vindictive methods by which it was sought to humiliate me, my treatment in this respect being different to that of my Friend, Mr. Kelly, under the late Mr. Forster. And now, to show the idiotic fashion in which the Prisons Board of Ireland conduct their affairs, I will refer to the question of correspondence. I was allowed to correspond within certain limits, and naturally, not feeling in the least any lively sentiment of gratitude or affection towards the Chief Secretary, I was not very nice in my choice of the terms in which I spoke of him in some of my letters. I hold in my hand a post-card which I wrote to a friend of mine a few days after my imprisonment. It contains the words—

"Healy is going to try for a *Habeas Corpus*. I wish it was Balfour's carcass we could have in Court."

That was a ridiculous little joke. It was my carcass that was going to be dealt with by the Court, and I thought the meanest intelligence would have seen that it was not intended as abuse. However, the post-card was not allowed to pass. It has never received the sign manual of the Governor of the gaol, and I suppose, like a great deal more of my correspondence, it was sent up to the Prisons Board, to be examined by that learned body. Even if one is a first-class misdemeanant, one is expected to conform to certain rules, I was expected to do so, but I did not. I can understand that there must be a supervision over the correspondence of prisoners going out of prison; therefore, I took good care, when I wished to send anything to the newspapers which I did not desire the Chief Secretary to see, not to send it in a manner which was under the supervision of the Governor of the gaol.

THE MARQUESS OF CARMARTHEN rose in his place, and claimed to move, "That the Question be now put;" but MR. SPEAKER withheld his assent, and declined then to put that Question.

Debate resumed.

MR. CONYBEARE: This is the first time I have had an opportunity of deal-

ing with this matter, and I think I should be allowed to conclude my observations without interruption. The point I was endeavouring to make when I was interrupted was this: I do not complain so much of my own correspondence being intercepted, but when the correspondence of gentlemen outside, over whom I could have no control, was stopped, and letter after letter was refused me simply because they contained some miserable little expression, such as the name "Bomba," applied to the Chief Secretary, I do think the matter was carried to a ridiculous extreme. One letter I hold in my hand, sent to me by a little child six years old, was sent all the way to Dublin, and placed before the Prisons Board, because there was at the end of it, in the child's scrawl, "Three cheers for the Plan of Campaign." Another important question that has not yet been settled is that of the dismissal of Father Doherty, the Catholic Chaplain, from Derry Gaol in September last. When the Chief Secretary is again in the shades of the Opposition, but not till then, I shall be very glad to explain to him how I got my letters out of prison, and to initiate him into what I may call the freemasonry of criminals. Although it has generally been supposed that Father Doherty was the medium by which I succeeded in communicating my letters to the Press and to friends outside, and he was dismissed for that reason, it was not technically the case, and I had at least half-a-dozen methods by which I was able at all times to communicate with the outer world. So elaborate were the arrangements I was able to make that letters of mine passed through the hands of the Governor, and he was no more aware of their contents than the Chief Secretary himself. A fortnight or three weeks after the dismissal of Father Doherty I succeeded, in one day, in passing 12 letters out of the prison, and they all appeared in due course in different newspapers. This, I think, will convince the right hon. Gentleman that he hardly treated Father Doherty with justice in dismissing him on suspicion—for there was no proof—of carrying my letters. I may say also there is not a warder at this moment in Derry Gaol who has any idea how I succeeded in passing my correspondence out of prison. I was particularly careful not to ask the gaolers for a single favour which could, by any possibility, bring them under the lash of the right hon. Gentleman's punishment. The only warder who, unfortunately, suffered anything in consequence of what I did, was a young fellow named Patrick Barry, who was fined 2s. 6d. by the Governor for replying to a few casual remarks I made about the weather, and so forth, whilst I was in the exercise ground, and he was waiting for another warder to bring him the key of a gate. Many unkind things have been said about my having sought the services of a Catholic Chaplain. When I was first taken into the prison and searched I was asked what religion I was. I replied, "That is not a question you have a right to ask, and which I shall, under no circumstances, reply to." I was then asked what service in the chapel I proposed to attend, and was informed that there was a Presbyterian service, a Disestablished Irish Church service, and a Roman Catholic service. I said, "I propose to attend the Roman Catholic service." I was perfectly justified in doing so. I never belonged to the Disestablished Church of Ireland, and if I had belonged to it I should have objected to the ministrations of a man who was, under the immediate jurisdiction of the Bishop of Derry, who at the time was the holder of 40 shares in the Smith-Barry Eviction Syndicate—a criminal conspiracy of a far worse character than any from which anyone has suffered in Ireland. Nor if I had been a Presbyterian would I have accepted the services of a minister who was the father of the blatant orator who was paid by the right hon. Gentleman opposite to abuse me and hunt me down before the County Court Judge of Derry. I cannot speak in too high praise of the devotion of the Catholic clergymen to every class of prisoners in Derry Gaol, and of the incessant kindness to the poor people committed to their care. When several of my letters written in prison had been published, the authorities decided to hold a Star Chamber inquiry into the methods by which I passed my correspondence out of gaol, and they sent down a gentleman named Joyce. I was summoned before him and questioned about a letter that had appeared in the *Star*. I declined to say anything, and was sent back to my cell. Father Doherty was also summoned, and was put on his oath. He was then insulted

by being asked a question which he very properly refused to reply to, and it was because he refused to hold any communication with this official, and not because he had been proved to have done anything wrong, that he was discharged from his chaplaincy. That was a monstrous injustice. Father Doherty refused to hold any communication with this man for one special reason, namely, that on a previous occasion Joyce had been sent down to the gaol and had ordered the warders to act as spies upon the chaplains in their communications with the prisoners. Father Doherty very properly refused to have anything to say to a man who had acted in this way. Father Doherty might have gone further and said: "I am placed here in confidential communication with the prisoners, and it would be almost a crime on my part if I were to reveal what has passed in confidence between me and these poor criminals whom it is my duty to solace with the ministrations of their religion." I hold that you have no right to deprive prisoners not only of the ministrations of their priest, but of the power of worshipping God one day in the week. There were, I think, 150 of these prisoners in the gaol at the time of Father Doherty's dismissal, and, to my knowledge, they have had no power since of conferring with a minister of religion, or of worshipping in their own religion on Sundays. I want to know from the Chief Secretary whether he has taken any steps whatever to replace Father Doherty by some other chaplain. Every man who calls himself a Roman Catholic has a right to the ministrations of a Roman Catholic clergyman. Just at the time Father Doherty was dismissed, the Bishop of the Diocese died. It is well understood that the Bishop of the Diocese has the right to nominate a person to fill the office of chaplain. A deadlock arises. The Chief Secretary or the Prisons Board would not reinstate Father Doherty, and they had no power to appoint anybody else, because, as far as the new Bishop was concerned, they were not able to bring sufficient influence from Rome to bear upon him to induce him to nominate one who would have been acceptable to the Prisons Board. On this point I may be permitted to quote one or two sentences from a letter I addressed to the Chairman of the Prisons Board on the 1st of October, 1889. I wrote—

"Sir,—Now that I am on the point of being released, I beg to offer for your consideration the following information, which may interest you, even if it fails to convince you that your arbitrary dismissal of the Catholic Chaplain was, to say the least, over-hasty; and is in any case grossly unjust to the Catholic prisoners, who, for no offence of their own, have been deprived now for more than three weeks both of the visits of their chaplain and of the consolations of their religion in Divine Service on Sundays—

1. The real ground of Father Doherty's dismissal (whatever the nominal reason) was no doubt that you believed him to have co-operated with me in the publication in the *Star* newspaper of a certain letter alleged to have been written by me. That letter was written by me; but I can assure you that Father Doherty knew no more about it until it was published than you did. How I procured its publication is my affair, not yours."

This letter must have come under the Chief Secretary's cognisance, and yet, after my distinct assurance that Father Doherty had nothing to do with the letter, he has thought fit to continue the punishment in the shape of the dismissal of Father Doherty.

"2. During the last three weeks since Father Doherty's dismissal I have continued to publish in the Press and otherwise whatever letters I desired. I have written and despatched, through the Governor's office, and subject to official censorship, more than one letter to the editors of different newspapers, and scarcely a day has passed during the last week that the newspapers have not published some communication written by me, and bearing my signature, which undoubtedly had never received the imprimatur either of Dublin Castle or of the Authorities here, so absolutely impotent are you to stop my writing and publishing what I please. I laugh to scorn all your attempts to muzzle me, and treat with contempt your decrees which assume to punish me for breach of prison discipline. For instance—I asked you the other day, when I was deprived of writing materials, to forward for me a prepaid telegraphic message, which a friend in London was waiting for. But courtesy is not cultivated in Dublin Castle; and you returned my telegram to me. I at once dispatched it myself, without further troubling myself about you.

3. Let me at once say that with all the increased rigor of the vigilance exercised over me since Father Doherty's dismissal, there is no single official here who knows anything of the means by which I am able to evade their watchfulness. I have all along made it a point of honour never to ask them to do for me anything which could bring their conduct into question, and I cannot too highly commend the fidelity with which my gaolers have fulfilled their duty to your Board in exercising the strictest watch over all my actions.

4. Considering the impunity with which I have continued to defy your authority and evade your prison regulations—all the more since your dismissal of the chaplain by which you thought you had seized my 'secret despatch boat'—I would venture to suggest that it is about time for you to send Inspector Joyce to hold another Star-Chamber Inquisition. But I can promise you that the results will not be such as to justify his travelling expenses.

5. Under all the circumstances, would it not be more dignified on your part to frankly acknowledge your error and at once reinstate Father Doherty as chaplain, instead of sulking like an ill-conditioned school boy, who 'won't play any more' because he has received a backhander? You have chosen to try a fall with the Catholic Priesthood on an issue in which you cannot possibly win. No clergyman will sacrifice the principle of the sacred secrecy which should veil the confidential relations between himself as a priest and the prisoners who look to him for spiritual guidance and consolation. Your claim that the chaplain should submit to the examination of your Inspector means simply this, that that relationship shall be laid bare to the cold-blooded dissection of the sneering and cynical 'philosopher,' who at present controls the destinies of this unfortunate country.

By the information I have now given you, I offer you a last chance of escape from the false position you have assumed. If you accept it, you may escape further contempt, though you cannot avoid the ridicule you have already incurred."

That was the letter I wrote to the Prisons Board, and the right hon. Gentleman will probably not be surprised to hear that a peremptory order was sent down that no more of my letters were to be forwarded to the Prisons Board. One, however, did pass to the Prisons Board after that. I wrote that letter simply in order to clinch what I had already said to prove that the pretexts on which Father Doherty was dismissed, and the snpposition that he had infringed the Prison Rules, were wholly without foundation, and that a gross act of injustice had been done the rev. gentleman and the prisoners who were entitled to a continuance of his religious ministrations. I will not add anything else. I will be content on this occasion with having done something I hope to throw a little light upon a portion of the right hon. Gentleman's administration in Ireland, which, but for the happy incident of my imprisonment, it might have been exceedingly difficult to drag into the light of day. There are plenty of other matters connected with my imprisonment, and what was called my trial, which call for remark, but I will take my own time in referring to them. I will spare the right hon. Gentleman any further humiliation by dwelling more at length upon the absurdities of his administration, and shall conclude by expressing my obligation to the House for having listened to me.

(1.52.) THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I think the hon. Gentleman has amply indemnified himself to-night for the enforced silence he was put to during the rest of the Irish Estimates. He has given us a long and elaborate account of his imprisonment in Derry Gaol, but he must choose between the characters in which he evidently wishes to appear before the House—a martyr or a rebel. He has spoken of his sufferings in gaol, and has exulted at his evasion of the Prison Rules. I think he has exaggerated the interest taken in the affair. The hon. Gentleman has complained bitterly of the action the Government have taken in regard to the Catholic chaplain of Derry Gaol. That action was very simple, and was in accordance with every rule of prison discipline. Father Doherty was asked to state, amongst other things, whether he was responsible for breaches of discipline. He refused to give the information, and if the result has been that prisoners of the Roman Catholic faith have been deprived of the ministrations of a Roman Catholic chaplain, the fault lies with the Roman Catholic Bishop in declining to appoint a successor to Father Doherty. The hon. Gentleman then complained that he did not receive the treatment of a first-class misdemeanant——

MR. CONYBEARE: I did not complain. I merely mentioned it.

MR. A. J. BALFOUR: He complained that he suffered from mildew in the prison. I assure the hon. Gentleman I have carefully examined into the matter, and my investigations do not bear out his statement as to the state of the prison in this respect. The hon. Gentleman told us that his eyes suffered from the whitewash on the walls, and that his health may have suffered from the fact that there were no sheds provided in the prison yard under which prisoners might exercise.

MR. CONYBEARE: I did not complain in regard to myself, but complained that ordinary prisoners had to exercise in torrents of rain, and then had to sit in

their cells, their clothes having to dry on them.

MR. A. J. BALFOUR: I understand that it is the universal rule to whitewash the walls of English prisons, and that opthalmia does not result. With regard to sheds, I have only to say that sheds do not exist, as far as I know, in English or Irish prisons; it would be extremely inconvenient and unhealthy to construct them in most prisons.

MR. MAC NEILL (Donegal, S.): Will the right hon. Gentleman pardon me for a moment? Some time ago I asked him a question with reference to the sheds in Derry Prison. That question was suggested to me by the hon. Member for Camborne, who wrote me a letter on the subject. He complained that the prisoners were exposed not only to rain, but in the summer time to the heat of the sun. Is it not the fact that within five days of my question being put a prisoner in Derry Gaol was struck dead while at exercise?

MR. A. J. BALFOUR: I do not know anything about the particular case the hon. Gentleman alludes to, but I have no doubt I gave him an answer at the time. On the general question of sheds for exercise in Irish prisons, I may say that such structures would be in many cases exceedingly inconvenient, and I do not know why they should be provided for one special class of prisoners who make themselves amenable to the laws of their country. I do not quite know what is the hon. Gentleman's complaint of the room in which he was confined—he did not like the proportions, I think—but, by his own account, the room was a large one, about twice as large as in first-class prisons. As to the general condition of Derry Gaol, it is one of those which, when they came under the management of the Prisons Board in 1878, were by no means up to modern requirements. But an immense deal has been done since that time. Derry Gaol is not of a modern type, and is now used for prisoners sentenced to short terms of imprisonment. It would be a great mistake to suppose it is unhealthy. The statistics of health are good; the drainage is reported good; the water supply is good; and as to the apprehensions of zymotic disease, I am assured they are altogether delusions. The Prisons Board are hastening on the work of re-modelling prisons in Ireland to meet modern requirements, and there is no reason to complain of their action in this or any other respect.

(2.2.) MR. HARRISON (Tipperary, Mid): It has been found necessary once more to direct the attention of the House to the condition of Derry Gaol, and I cannot, I confess, accept the remarks with which the Chief Secretary has favoured us as at all satisfactory. I wish to press upon his attention again the points I ventured to raise in Committee. I referred then to ventilation, the size of the cells, the arrangements which, I still maintain, are not such as to ensure cleanliness, and the defective sewerage. The right hon. Gentleman on the last occasion referred to one point only upon which his assurance was not unsatisfactory, and if he had referred to other matters his assurances might have been such that it would not have been necessary for me to press these points upon him again. Perhaps it was due to inadvertence; perhaps I did not make myself clear, and I will endeavour to make those points clear now. I referred to the size of the cells and the insufficiency of ventilation, and the assurance the right hon. Gentleman gave was that the cells, being unhealthy, should no longer be used for the confinement of prisoners whose sentences exceeded three months. I asked the right hon. Gentleman on what ground he thought it right that prisoners whose offences were presumably small should be subject to unhealthy conditions from which greater criminals, sentenced to longer terms of imprisonment, were exempt, and it seemed to me that it could only be on the principle of taking as much out of the health of a prisoner as was consistent with turning him out alive at the end of his term of imprisonment. What I wish to press on the right hon. Gentleman now is that he will give an undertaking beyond that he has given, that, pending reconstruction, Derry Gaol shall be closed. I touched upon Major Beamish's Report, and I made reference to the statement we had 12 months ago, on his personal experience, from the hon. Member for South Armagh (Mr. Blane), and which was never answered, and I can now refer to the speech of my hon. Friend the Member for Camborne (Mr. Conybeare), to which I am bound to say we have had no satis-

factory answer. In addition there is a serious question of discipline, arising in this way. A warder in the prison, suspected of sympathy with the popular cause, went into the prison store, and the head warder, with whom he was in ill favour, happened to be there, together with other warders and prisoners. It appears a few stores were missing, and the head warder, turning to the Nationalist warder, as he was supposed to be, said, "Wait here while I go and see if I can find the missing stores in your quarters." The warder, who bears a high character, refused to patiently bear this imputation, and said he would accompany the chief warder if he wished to make a search; and for this breach of discipline, pardonable under the circumstances, he was dismissed. It was a frivolous pretext; the real cause was he was suspected of having espoused the National cause, and so was considered objectionable. The question of the sanitary condition of the prison has, I think, been sufficiently dealt with. The Chief Secretary says that the health statistics are good; but I need scarcely say we have a deeply-rooted distrust of these official Reports. By keeping prisoners out of the hospital the health record may be kept up, and my hon. Friend has given sufficient proof of the culpable negligence of the medical officer. I presume the right hon. Gentleman has read the Report of Major Beamish, and that he has some knowledge, however superficial, of sanitary science. Anybody who reads between the lines of that Report must see that the sanitary conditions of Derry Gaol are in a distinctly dangerous state.

(2.14.) Mr. BROOKE ROBINSON rose in his place, and claimed to move, "That the Question be now put;" but Mr. SPEAKER withheld his assent, and declined then to put that Question.

Debate resumed.

MR. HARRISON: I quite agree with the hon. Gentlemen who interrupt me that this is not a fitting time of night to be dealing with an important question of this kind, and to mark my sense of this, and my sympathy with hon. Members, I beg to move that this Debate be now adjourned.

Mr. SPEAKER being of opinion that the Motion was an abuse of the Rules of the House, declined to propose the Question thereupon to the House.

(2.14.) MR. A. J. BALFOUR rose in his place and claimed to move that the Question be now put.

Various exclamations, among which Dr. TANNER was heard to say "Scandalous."

*MR. SPEAKER: Order, order! The hon. Member for Mid Cork has made use of an expression which he is not entitled to use.

DR. TANNER: I did make use of an expression, Sir, in immediate reference to the action of the right hon. Gentleman opposite, but it was addressed to an hon. Friend near me, and not to the Chair.

*MR. SPEAKER: I did not suppose the hon. Member addressed the remark to the Chair, or I should have ordered him out of the House immediately. The expression is one that ought not to have been used. I take no further note of it now.

Question put, "That the Question be now put."

(2.15.) The House divided:—Ayes 113; Noes 45.—(Div. List, No. 202.)

Question put accordingly, "That '£97,499' stand part of the Resolution."

(2.25.) The House divided:—Ayes 112; Noes 46.—(Div. List, No. 203.)

Main Question proposed, "That this House doth agree with the Committee in the said Resolution."

Mr. ARTHUR BALFOUR claimed "That the Main Question be now put."

Question put accordingly, "That this House doth agree with the Committee in the said Resolution.

(2.35.) The House divided:—Ayes 111; Noes 45.—(Div. List, No. 204.)

CITY OF PARIS.

Message to the Lords requesting a Report of the inquiry into the causes of the accident which recently happened to the passenger ship *City of Paris*.

It being after One o'clock, Mr. Speaker adjourned the House without Question put.

House adjourned at a quarter before Three o'clock till Monday next.

HOUSE OF LORDS,

Monday, 28th July, 1890.

CITY OF PARIS.

Message from the Commons for Report of the Inquiry into the causes of the accident which recently happened to the passenger ship *City of Paris*.

Ordered to be communicated accordingly.

BOILER EXPLOSIONS ACT, 1882, AMENDMENT BILL.—(No. 164.)
INFECTIOUS DISEASE (PREVENTION) BILL.—(No. 117.)

Returned from the Commons with the Amendments agreed to.

METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT BILL. —(No. 168.)

Petition of the Duke of Westminster, praying to be heard by counsel against the Bill, presented on Friday last, referred to the Select Committee on the Bill, with leave to the Committee to hear the petitioner, if they think fit, by his counsel, agents, and witnesses.

ARMY—NON-COMMISSIONED OFFICERS.

THE EARL OF DUNDONALD: My Lords, in asking for the Return which I have placed on the Notice Paper of your Lordships' House, I do not wish to occupy many minutes of your time in explaining the desirability of that Return being granted. First of all, the information I seek is not in the preliminary Annual Returns for the British Army; and I think it is desirable to know the age and services of the non-commissioned officers who are brought into direct contact with the men, excluding those non-commissioned officers who are generally of mature age and of longer service, and who are specially employed in staff appointments in their various regiments. I think, if this Return is granted, it will be seen that the non-commissioned officers are, as a rule, of such a youthful age, and of such short service, that they cannot exercise that authority over the men, nor imbue the men with the respect which is, as a rule, accorded by young men to those older than themselves, and which is so necessary in the interests and the well-being of the Army. Roughly speaking, the conditions of service of the non-commissioned officers are as follows: the non-commissioned officer after a year's probation can engage on for 12 years, and after 9 years he can re-engage for 21 and a pension. These conditions are subject to certain restrictions affecting various corps, or, roughly speaking, the conditions affecting the non-commissioned officers of the corps. So that, practically speaking, any man who has good health and a good character as a non-commissioned officer, can serve for 21 years. But the point is that non-commissioned officers do not serve for 21 years, as a rule. Now, why is this? The causes are various. First of all I should put the question of the deferred pay among the principal reasons which induce the non-commissioned officers to leave the Service. They find coming to them at the expiration of a certain number of years' service a considerable sum of money, and they are desirous of obtaining this sum of money into their possession; but, as a rule, unfortunately no sooner do they obtain this money than they spend it, the result being that the country loses the services of good non-commissioned officers, and the non-commissioned officers lose their money, so that neither the country nor the non-commissioned officers are in the end benefited. Then, again, we must remember that the conditions in civil life of the class from whom these non-commissioned officers are drawn, have very much improved of late years. They receive, as a rule, greater pay, and they work shorter hours; they have far more leisure, and are in possession of greater advantages than they had in former years. This, also, is an attraction to non-commissioned officers to leave the Service and join their brothers in civil life. Of course, there are many other causes which induce non-commissioned officers to leave the Service. I will not go into them, but the fact is, that non-commissioned officers do leave the Service, and they leave it too young for the good of the Army, more especially now since the introduction of short service, when there are so very few older soldiers in the ranks to imbue the younger soldiers with ideas of

discipline, and to teach them what is, perhaps, more important than anything else, reverence for the traditions of the regiment in which they serve. I should like to quote to your Lordships a few statistics as to these young soldiers. There were serving at home with the colours in 1889, 99,647 men, of whom 36,977 were under 21 years of age, and 70,380 were under 25 years of age. The question may now be asked, in view of what I have said, how does this extreme youth of so many men in the Army affect discipline. Again, I will quote a few figures. I find that Courts Martial have decreased from 16,523 in 1881 to 12,188 in 1888; but the cases of violence and disobedience to superiors tried by Courts Martial have increased from 1,650 cases in 1881 to 2,198 cases in 1888, and cases of minor insubordination, neglect of orders, have increased from 1,472 cases in 1881 to 2,106 cases in the year 1888. So that it will be seen though Court Martial cases have largely decreased in bulk, offences in relation to discipline have considerably increased. There is also another point in connection with the discipline of the Army and non-commissioned officers which is, perhaps, of importance to mention, and that is in regard to the territorial system. Now, the territorial system is taken more advantage of than it used to be by private soldiers. There are more soldiers now enlisting from any one district or village than there used to be. The consequence is that a non-commissioned officer promoted in any of these territorial regiments has a considerable number of men serving under him in the ranks who will leave the regiment probably about the same time as himself, and it is not in human nature that in those circumstances a non-commissioned officer will not think rather of the good opinion of those whom he will be with at home in the village so long in civil life than of the discipline of the Army. When at home in the Reserve there would, of course, be many chances for the private to repay any grudge he might owe his former non-commissioned officer. Of course, there are exceptional cases, and there are numbers of good non-commissioned officers who would be a credit to any Army in the world; but, still, taking them in the bulk, they are liable to be influenced by those considerations. Now, undoubtedly, a non-commissioned officer should be of mature age, tact, and experience, and should be able to imbue the men under him with respect, and to administer discipline without partiality or favour. I would like to quote to your Lordships some statistics as to the conduct of non-commissioned officers. I find by the Preliminary Annual Return for the British Army for 1890 that, during the year 1889, in the Home Army only, there were 673 non-commissioned officers sentenced by Court Martial to be reduced to a lower grade or to the ranks; and, in addition, 55 more suffered imprisonment as well as reduction. Those figures indicate a percentage of offences among the non-commissioned officers which is certainly far more than is desirable. I think a considerable step towards improving the position of non-commissioned officers in the Army might be taken by eliminating from the ranks all those men who are of really bad character, and by those means inducing a better class of men to enlist, as many men of good character will not enlist to serve along with men of bad character. I will not weary your Lordships with any words or ideas of mine as to the pay or advantages which should be offered to non-commissioned officers, to induce a really good body of non-commissioned officers to serve in the Army. Any such ideas from far more experienced heads than my own would be at the disposal of any statesman who chose to grapple with this question; but I would say that when this country pays an immense sum for procuring men to fight for it, and when it arms those men with the most improved and deadly weapons of modern science, it should not grudge the money necessary to place those men who compose its Army on a sound footing. Now, stability may be obtained by making it to the self-interest of a body of men to serve the country, and to give the best years of their life in the Service; but if the country will not pay those men enough to induce them to give the best years of their life to the Service, then I see nothing for it but that we must have some modified form of conscription, and by those means—by the introduction to the ranks of all classes of the community—we shall

obtain that stability which is obtained in foreign armies. We have in our Army a short service system, with only one class of men in the Service, while in foreign armies it is a short service system for all classes. I cannot help quoting to your Lordships a saying which has been attributed to the Duke of Wellington: he said that, "The non-commissioned officers of the Army are the backbone of the Service." If this was true in the days when the Duke of Wellington said it, at a time when there were many old soldiers in the ranks, how much more true must it be now, when we have the short service system of obtaining men for the Service from a single class of the community. I hope Her Majesty's Government will grant the Return I ask for, and I trust it may be found useful.

Moved, "That there be laid before this House,

"Return of the average age and service of privates in the regular army at the time of their promotion to be non-commissioned officers during the year 1889; and for a Return of the average age and service of the non-commissioned officers of each rank at present serving with the colours, excluding those who are specially employed and not doing ordinary duty with their respective batteries, troops, or companies."—(*The Earl of Dundonald.*)

THE UNDER SECRETARY OF STATE FOR WAR (Earl BROWNLOW): My Lords, there is no objection whatever to granting the Return asked for by the noble Lord opposite. I would, however, point out to him that it will involve some delay to give the particulars required with regard to every unit of the British Army serving both at home and abroad.

Agreed to.

PUBLIC LIBRARIES ACTS AMENDMENT BILL.—(No. 205.)

COMMITTEE.

House in Committee (according to order).

Clause 8.

LORD THRING: I dare say that what is the obvious meaning of this clause is not intended to be its meaning, and I wish to draw your Lordships' attention particularly to this clause. It certainly would, I think, form a difficult precedent at a future time. Your Lordships will observe it provides that any person holding land for public, ecclesiastical, parochial, charitable, "or other purposes," may, in effect, grant, sell, or exchange it for the purposes of the Public Libraries Act. It then says that where land is held for ecclesiastical purposes the Ecclesiastical Commissioners shall assent; that where it is held for parochial purposes, the Guardians and Poor Law Board shall assent, and in the case of other charitable property, the Charity Commissioners shall assent. Then it provides that the money shall be applied as the Charity Commissioners shall decide. But just see what the effect of this clause would be. It enables, in effect, the Trustees of any charity to alter altogether the disposition of their trust by applying land or property which they hold, for the purpose of the Public Libraries Act. Now, I shall not be suspected of having too strong a bias in favour of pious founders, and, I believe that, after a certain time, all charities ought to be considered; but I think to put a clause of this kind in the Act, enabling persons who may hold, as the noble Earl (Lord Meath) will presently show, land for maintaining open spaces, to allow that land to be built upon for the purpose of forming a public library, is a precedent which may create difficulty in future legislation. If this provision is passed in regard to public libraries it may be passed for any other charitable object which people may think desirable, for example, for the purpose of building a chapel, or public wash-houses, or baths, and no charity will be safe for a moment. To show the carelessness, as it appears to me, with which the measure has been drawn, I wish to draw your Lordships' attention to the fact that it does not even provide that the money arising from the sale of land shall be applied for the purposes of the original Trust; on the contrary, it is to be disposed of as the Commissioners think fit. Then it is perfectly clear that the word "gift" must be struck out, for I cannot imagine that your Lordships are going to allow the Charity Trustees to give away their land as they like. There is another point. I have said nothing as to the effect in reference to private persons, but I do think it is rather a strong order to allow any owner of land to do what is here authorised. I only wish to draw your Lordships' attention to this clause.

I submit that it certainly ought, in any case, to be amended, and I doubt whether any part of it ought to be proposed.

THE EARL OF KIMBERLEY: Perhaps I may be allowed to ask the noble Lord to tell us what is the meaning of the words "any persons holding land for charitable, parochial, or other purposes." I should like to know what the words "other purposes" mean.

*LORD HOUGHTON: I am sorry, as it has turned out, that this Bill was referred to Committee of the Whole House, and not to a Standing Committee, but that was not entirely my fault. I was not aware of any objection being taken to the clause at the Second Reading of the Bill by noble Lords on this side of the House. I do not make any observation upon it whatever, but perhaps the noble Lord will allow this matter to be considered at a later stage of the Bill. With regard to the Amendment which the noble Earl will move, I shall be very glad to deal with that, but perhaps any question of construction your Lordships would be willing should be considered afterwards.

THE LORD CHANCELLOR: I am bound to say I think the point a somewhat serious one. My attention was not called to it, but it seems to me rather a question of principle than a mere drafting. I do not think it is a question of drafting at all.

LORD HERSCHELL: It is really both. I do not quite understand the object of putting in "other purposes." Ordinarily, you read those words *ejusdem generis*, but when you specify what some of the purposes are—public purposes, or charitable and parochial purposes, the words may have a very wide signification. It is difficult to understand from the language what the "other purposes" can mean, unless they are private purposes. Then there is the other point. In addition, the assent of the Ecclesiastical Commissioners is required to the alienation of land held for ecclesiastical purposes, and the assent of the Local Government Board in regard to land for parochial purposes, but it requires no assent in reference to these "other purposes," whatever they may be. I cannot help thinking those words must have got in unintentionally.

Lord Thring

THE EARL OF KIMBERLEY: I understand the noble Lord would be willing to strike out the word "other," and in that case that the difficulty would be removed.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): How would this proviso affect land held by Universities or Colleges? It seems to me that is a rather serious question.

LORD HERSCHELL: I think myself such purposes as those would come within the word "charitable."

THE MARQUESS OF SALISBURY: No, I think not; they are excepted under the Statute of Elizabeth.

LORD HERSCHELL: I am not sure that that would not be so. However, I should certainly think the best course would be to take the course first suggested of putting in "or" before "charitable," and leaving out the words "or other."

*LORD HOUGHTON: I should be quite prepared to accept that.

THE MARQUESS OF SALISBURY: I must reserve to myself liberty to move that the word "public" be left out also. I am more afraid of that word than of the others.

LORD HERSCHELL: I am a little doubtful, I confess, about the whole clause. It seems to me, unless there is some precedent for it, it is rather an innovation to allow property held in trust for a charity of one kind, to be applied for a charity of a different kind, even with the consent of the Charity Commissioners.

THE LORD CHANCELLOR: That is exactly what I meant.

THE MARQUESS OF SALISBURY: I think, at all events, there ought to be reciprocity, and that the Public Libraries Trustees ought to be allowed to alienate their land for the benefit of other charities.

*THE EARL OF MEATH: I had given notice of an Amendment to this clause, but I do not quite understand whether the Motion before the House is to strike out the whole clause or not. My point is with regard to the preservation of open spaces.

Amendment proposed, in line 5, to insert the word "or" before "parochial,"

and to omit the words "or other."—(*The Lord Herschell.*)

THE LORD CHANCELLOR: As at present advised, I do not propose to take any part in the discussion upon this portion of the clause, because I shall be very much disposed, when the Question is put by the Chairman "That this clause stand part of the Bill," to meet it with a negative.

LORD HERSCHELL: I do not know that there would be any harm in allowing Trustees to do it by way of sale or exchange, because then they would get the full value of the land. I should content myself with taking out the word "gift."

*THE EARL OF MEATH: I cannot agree to the point as to sale. It appears to me that is a very important matter. How this clause got in is difficult to understand. It was not in the original Bill, and was only put in at the last moment on Third Reading. I do not know who is the author of this clause. It is in this connection a somewhat peculiar circumstance that in this Metropolis one very populous district, Bethnal Green, has been for the last 12 months in the throes of an agitation for this very purpose — that is, to get land which was conveyed 200 years ago for charitable purposes, and in regard to which there is a Trust to keep it as an open space, built over. There is an agitation going on as to whether some of the land could not be used for other purposes than that of an open space, and there are three distinct purposes put forward, one to erect a library upon it, another to erect a vestry hall, and another to build an infirmary. There has been a division of opinion on the subject, and there have been about 70 public meetings held in the district. Public opinion is greatly divided upon it. There are a certain number of ratepayers who are anxious to utilise the ground for these purposes. It is a terrible temptation to them to save money by building upon public land. On the other hand, there are a large number of ratepayers who wish the Trust to be maintained. I must adhere, I think, to the Amendment which I have moved, which is—

"Provided also that land held on trust to be preserved as an open space, or on trust which prohibit building thereon, shall not be granted or conveyed for the purposes of this Act."

*LORD HOUGHTON: I should have been very glad if I could have accepted the noble Earl's Amendment, sympathising as I do with his object——

THE EARL OF MORLEY: I would point out that the Amendment before the House is the insertion of "or" before "charitable."

Amendment agreed to.

THE EARL OF KIMBERLEY: My noble Friend behind me has requested me to move an Amendment in the 18th line. You will there find the words—

"And the said Board and Commissioners respectively may provide for the application of the moneys which may be derived from the sale of any land."

It seems to me the money ought to be held for the purposes of the charity. I think, as suggested, the words should be—

"The moneys arising from any sale or exchange of such land shall be applied for the same purposes as the land exchanged or sold."

LORD HOUGHTON: I think I have some right to complain that a considerable number of Amendments should have been brought forward upon this clause, of which I have received no notice. However, as they all come from this side of the House I suppose I cannot say very much about them. I think it is quite obvious that the sense of the House is with the noble Earl who has just sat down, and I, therefore, do not know that there would be any great object in my attempting to evade the proposal. Still I was anxious on other grounds that the Bill might have passed without any Amendment at all.

THE MARQUESS OF SALISBURY: Upon that appeal for some addition in the way of amendment from this side of the House I rise to gratify the noble Lord, and I think the best amendment is that we should say "No" to the question that this clause stand part of the Bill. It really requires very careful looking into. I want to know who "any person holding land for public purposes" is? Does that mean Ministers of the Crown? Does it mean every person who has a fiduciary interest of a limited and temporary character in land applied for public purposes? I think, considering

the enormous importance of the interests involved, these words need to be very fully considered.

THE EARL OF KIMBERLEY: The unfortunate thing is that this was not observed when the Bill was under consideration before. This is eminently a matter which should have been considered in Standing Committee.

THE MARQUESS OF SALISBURY: Quite so.

*LORD HOUGHTON: I will accept the suggestion of the noble Marquess. I need not say I am hardly, at this moment, prepared to argue intricate questions of the kind raised, and I reserve to myself liberty to bring the matter forward at a later stage of the Bill.

THE EARL OF MEATH: I withdraw my Amendment.

Clause 8 omitted.

Report of Amendments to be received on Friday next.

SUPREME COURT OF JUDICATURE (PROCEDURE) BILL

now

SUPREME COURT OF JUDICATURE BILL.—(No. 215.)

Amendments reported (according to order).

LORD HERSCHELL: I have to propose an Amendment at the end of the 1st clause, which transfers the hearing of Motions for new trials from the Divisional Court to the Court of Appeal. My attention has been called to the fact that when this Bill comes into operation there will be a certain number of cases standing for hearing in the Divisional Court, and that those ought to be transferred for hearing to the Court of Appeal. The Master of the Rolls has called my attention to that circumstance, and I think it is desirable it should be provided for. Therefore, I propose to add—

"This section shall extend to every Motion of which notice may have been given, whether before or after the passing of this Act, but which has not been heard before the commencement of this Act."

Amendment agreed to,

Other Amendments made; Bill to be read 3ª to-morrow; and to be printed as amended. (No. 231.)

SHERIFFS (ASSIZES EXPENSES) BILL. (No. 218.)

THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3ª."

*THE EARL OF POWIS: Your Lordships may remember a day or two ago when I brought forward the question whether provision should be made as to whether the Sheriffs should appear in uniform or not, the noble and learned Lord on the Woolsack considered it was too trifling a question for legislation. I am well aware that there is a legal maxim *de minimis non curat lex*, but I have again to urge that I hope the noble and learned Lord will not think this too small a matter to take notice of, because I then mentioned that, on that account, a Judge had actually threatened to heavily fine a Sheriff for not appearing in uniform, and since that Debate, I have received a copy of a letter in which a learned Judge, in 1873, distinctly ordered all the Sheriffs on the Oxford Circuit to appear in uniform. I mentioned that in former years no such custom had prevailed in Shropshire or Montgomeryshire. This custom was not introduced into Shropshire until 1873, when the Judge of Assize directed the Clerk of Assize to write to all the Under Sheriffs on the Oxford Circuit in these words—

"I am directed by Mr. Justice Quain to inform the Sheriff through you that the Judge will expect that high official to appear either in full dress or in uniform, the proper costume of a High Sheriff in attendance on Her Majesty's Judges, being, in his Lordship's opinion, such as would be justifiable and admissible only at one of Her Majesty's levees."

Now, that is a very distinct order, upon the subject, although it is a subject upon which the Committee over which my hon. and learned Friend presided, and the two noble and learned Lords who spoke the other day, agreed that it was not within the province of the Judge to give such an order. I think this letter shows there was quite sufficient justification for me in bringing the matter forward, and in the circumstances I do not suppose your Lordships, or my noble and learned Friend, will now think the matter too small to be considered.

THE LORD CHANCELLOR: I will only say a few words further upon this point. I do not blame the noble Lord in the least for bringing it forward. I only protested against this House being engaged in legislation as to the particular form of garment to be worn by an official in the position of a High Sheriff. I think the House will still consider there is scarcely a necessity for an Act of Parliament to be passed in regard to the kind of coat the Sheriff should wear. I said so on the last occasion, and I am still of that opinion. I would merely now observe that the only case brought forward by the noble Lord is as old as 1873, and I am not quite certain that I do not take the same view of the orders issued on that occasion as the noble Lord. There may have been requests at one time relating to matters of etiquette issued by learned Judges which were certainly not conformable to the law. But that learned Judge only stated what he expected as to the form of dress as a matter of etiquette; the learned Judge may have been right or wrong in his opinion, but he certainly did not threaten to fine the Sheriff £500 on that account, as was stated the other night. I then said that, in my opinion, it would have been exceeding his power for him to do so, and I ventured then to express my incredulity as to such an occurrence ever having taken place. I cannot find that the noble Lord has now obtained, as he supposes, the particulars of that circumstance, and I can only call his attention to the fact that I have received a letter referring to that particular case. As I pointed out the other night, no such rule as my noble Friend imagines was laid down, but the matter to which the threat to fine the Sheriff £500 applied was one of gross contempt of one of Her Majesty's Judges, an intentional deliberate act of contempt, and it was punished accordingly. The matter had no reference whatever to the question of the dress of the High Sheriff. I still entertain the view that, whatever may be done in this matter, it would be undignified for Parliament, and I hope Parliament will not be asked, to prescribe what particular kind of dress any public official shall wear.

LORD HERSCHELL: My Lords, at the previous stage of this Bill, I alluded to one of its provisions, and intimated that on the present occasion I should propose an Amendment, namely, to substitute the Home Secretary for the County Councils acting with the concurrence of the Lord Chancellor for the purpose of framing regulations in relation to the accommodation of and reception of Her Majesty's Judges. Since I made that statement, I have considered the matter, and I have come to the conclusion that in reality my objection goes deeper, and would not be met completely by the alteration of that proviso; that, in truth, my objection is to this Bill altogether, and, therefore, I shall move the rejection of the Bill; but inasmuch as I have given no notice of my intention to do so, I shall, of course, not press it to a Division, but merely make that Motion for the purpose of explaining the position which I take in regard to it. The object of this Bill is simply to relieve the gentleman who will hereafter be called upon to fill the office of High Sheriff from expenses to which the High Sheriffs have hitherto been put. To that I have no kind of objection whatever. But that is the only object which will be attained by the Bill. It is only a public object in the sense that it is a right thing to enact that public officials shall not be put to expense which ought not properly to fall upon them. As regards the public, the only effect of the Bill will be to transfer certain expenses from the shoulders of the Sheriffs hereafter to the County Councils, and thus to put upon the rates the expenses which have hitherto been borne by those individuals. I think this is really a step in the right direction, but that evil ought to be met in another way. I will shortly tell your Lordships the way in which I think it ought to be met. Let me say at once that I am not desirous of putting any obstacle in the way of removing this burden from individual shoulders. I certainly do not intend to cast any reflections upon the County Councils in the observations which I make. I have no doubt, and I thoroughly believe, they are admirable bodies, doing good work. At the same time, like some of my noble Friends, not being myself a County Councillor, it is not a necessary part of my creed to believe that all County Councils, under all circumstances, and at all times, will act with unimpeachable wis-

dom, and I cannot think it an expedient thing to initiate in every County Council in England and Wales, as this measure would do, a discussion as to the proper mode in which Her Majesty's Judges should be received and accommodated, nnd to make regulations differing, perhaps, in all the counties in that respect. Now, this is really only part of a far larger subject. The view which I take is this, that the Sheriff's expenses are part of the expenses of the administration of Justice, which is not really a local matter at all, and ought not to be treated as a local matter. The truth is, that a large portion of these charges is now met by the Treasury. Another large portion of the expenses is met by fees. If you add together the fees and the proportion paid by the Treasury it will be found that the larger portion of the expenses of this department of the administration of justice is met now, and will in future be met without any call upon the rates. The view which I venture to submit to your Lordships is this, that the whole of those expenses ought to be dealt with as part of the expenses of the administration of justice, in the same way as the greater portion of them are now met, and that the provision made with regard to this matter should not be dependent upon the view taken in this county or in that county, but that it should be a uniform system applicable to the whole country which, therefore, should be provided for by the same Central Authority. I quite feel that if you put the burden of this upon the several counties, it is only natural they should desire to have a voice in the matter; this Bill gives them the exclusive voice, although the burden only falls partially upon them. That is natural enough, and it is, in my view, extremely undesirable that the matter should be thus dealt with piecemeal in the different counties throughout the country. What appears to me to have been lost sight of is this, that at the present time the great part of the expense of enforcing judgments and the other duties of the Sheriffs is covered by fees, and the practice has been for each Sheriff to agree with his Under-Sheriff to receive the fees, and out of the fees to bear what I may call the ordinary expenses of this part of the administration of justice, leaving to the Sheriff himself certain of the expenses connected with his attendance upon the Judges. The agreements thus made vary, even as between county and county; that is to say, in some counties it has been the practice for the Sheriff to receive in relief of the expenses, or as a portion of the expenditure, some of the money coming from the Treasury which is not received in other counties. My belief is this, that if you had the whole of this matter placed in the hands of a central authority, so that you had a permanent official in each county appointed by the Crown, and if you had the whole of the fees which are now received by the Under-Sheriff, received by the Crown, it would be found that all the legitimate and proper expenses of the Shrievalty, including those proposed to be transferred to the County Council, might be met without any demand being made either upon the County Rates or any further demand than that which is now made upon the Treasury. If that were done, and I may say that I have gone to a considerable extent into the matter, my strong conviction is that that would be the result. The expenses are now larger than they would be if a permanent official had been appointed to act. For instance, in the county of Durham, the total average of the Sheriff's expenses is now about £400. I have made some little investigation into the question of what it would be likely to be if the thing were put on a permanent basis, and I do not think it would exceed a half—I doubt if it would be much more than £200. I might illustrate the matter in the same way as regards other counties in England. My belief is that, if the whole matter were gone into throughout the counties of England, it would be possible to initiate a new system by which, without any additional burden being cast upon either the Treasury or the rates, you might have the whole matter put on a satisfactory basis, and uniformly dealt with throughout England and Wales. I do not think anybody can doubt that that would be a much more satisfactory system than the scheme which is proposed by the present Bill. My Lords, it is not likely that this Bill will pass the other House in the present Session. I do not understand that even its promoters anticipate that, but I would urge that Her Majesty's Government should in the Recess in-

quire into this matter, with the view of ascertaining the facts—which certainly were not fully ascertained by the Committee of this House which inquired into the subject — as to the fees which are received in the different counties, and the surplus over expenditure which remains in the hands of those who now receive the fees. I think if that were done it would be found that, very likely, without any additional payment by the Treasury, or, at all events, with a very trifling addition, you would be able to deal with this important department of the administration of justice throughout the country on a uniform and satisfactory footing. If that is true it certainly would be inexpedient to commence by throwing this burden upon the rates in the way proposed by the present Bill. It is because I so believe that I have felt it necessary to explain my views, and I, therefore, formally move that the Bill be read a second time this day three months.

Amendment moved, To leave out ("now") and add at the end of the Motion ("this day three months").—(*The Lord Herschell.*)

*LORD BRAMWELL: My Lords, I cannot help expressing my regret at what I suppose I must call the necessity for this Bill. I do not agree with my noble and learned Friend. I think the system in this country is, that public duties are to be performed gratuitously by those who are fit for them. No Member of either House of Parliament is paid as such; Magistrates are not paid; jurymen are not paid; they perform their duties gratuitously, as also do Guardians of the Poor, Churchwardens, and Constables, who are all unpaid. But I am afraid it is a necessity that these gentlemen upon whom the duty of filling the office of High Sheriff ordinarily falls should be relieved from the expense of it. I do object to the clause which makes a special provision for the arrangement being made by the County Councils, with the concurrence of the Lord Chancellor, as to the way in which the Judges shall be received. I believe the proceedings at County Councils are attended by reporters, and a very pretty discussion will occasionally take place as to the mode in which his Lordship shall be received. I cannot think that it will contribute very much to the respect which is at present paid to the learned Judges when people read the uncivil remarks which many people will, undoubtedly, take the opportunity of making. The majority of the County Councils may think otherwise, but those who are for cutting down the observances which have always been shown to the Judges will be sure to give expression to their opinions, and to express their reasons in a very unsatisfactory way. I would infinitely prefer that there should be no provision in the Bill as to the County Councils making any arrangements, either with or without the concurrence of the Lord Chancellor for the time being, as to the way in which the Judges shall be received, or that it should be simply left in the condition in which it is now, because I protest again, as I told your Lordships on the last occasion, that there is no power for any Judge to do what it has been stated was done by the learned Judge whom the noble Lord referred to. He was a popular man among his brother Judges, but he had a peculiar *sobriquet* among us on account of his liability to do just such a singular thing as he did on this occasion. When you come to consider it, the very fact of his issuing this general notice is a proof that it was an entirely original proceeding on his part, because, if it had not been the practice to do otherwise, why should he have given this special notice on the Oxford Circuit? For my own part, I most heartily wish that any High Sheriff who should be treated in this very erroneous way would try the question, for I am sure he would get the best of it. It seems to me it would be very much better, indeed, if there were not this provision, which would give rise to discussions of a most unpleasant character, as I have had an intimation from one who is not at all hostile to the Bill, but, on the contrary, friendly to it, would be the case. There is just one clause in the Bill to which I should like to call your Lordships' attention. It is that

"The expenses of the High Sheriff of a county in receiving and protecting the Judges and so forth, and in keeping order within the precincts of the Court of Assize shall so far as they are not expenses which had before the passing of this Act been customarily defrayed by the Treasury or out of the County Rate."

Well, it may possibly be said that by implication what was formerly paid

out of the County Rate shall not in future be so paid. I do not know whether my noble and learned Friend sees the point; but I have no doubt how the Judges would construe it, because when Judges have to construe an Act of Parliament they make sense of it, and they make sense of it by interpreting it to say what it ought to say, and very often they have no other reason for their construction. I have no doubt they would hold that what was formerly paid out of the County Rate should continue to be so paid, and that it should not be otherwise paid; although, of course, a question might be raised about it under this clause. As I have often said in the Standing Committee on Law that when we have to construe an Act of Parliament, "We must do our best with it as it stands; but in making one, we should take care there is no ambiguity about it." I do not know whether the noble Lord who has charge of this Bill thinks that worth his attention in any way, but I can assure him it is not a captious objection on my part at all.

*THE EARL OF CAMPERDOWN: My Lords, with regard to the objection which has been taken to the words in the 2nd clause of the Bill, I think the noble Lord will see, at all events I think myself, there is not really any force in his objection. The words are that—

"The expenses so far as they have hitherto been defrayed by the Treasury or out of the County Rate shall be defrayed out of the County Rate."

Of course, the meaning of that is, that the Treasury will continue to pay any portion that it has hitherto paid, and the County Rate will continue to pay any portion that it has hitherto paid, and the surplus, if any, shall be provided out of the County Rate. I think that seems pretty clear; at all events, it is so to me. I am very glad, at the same time, to hear that whether that be accurately expressed in the Bill or not there is no possibility of the Act going wrong, because, when it is placed in the hands of the Judges, they will interpret it in the way it should be interpreted. As this Motion, which is nominally hostile to the Bill, is not going to be pressed, I do not think I need detain your Lordships by making any lengthened remarks upon the Bill itself. It is perfectly true that the Bill is a small Bill, and deals with a small portion of the question only. I mentioned that to your Lordships when I introduced the Bill. The reason why it is a partial measure is because it would have been impossible for me, a private Member of your Lordships' House, to deal with the whole question; and, as the Government have not found themselves able to introduce a measure dealing with the whole subject, I thought it was better, at all events, to treat a portion of the question than not to do anything with it at all. For this reason: because the Committee upon this subject sat two years ago, and I have myself received a great many letters with regard to the matter, which is felt to be a very great hardship in many parts of the country. I have been asked frequently whether Parliament was going to do anything with regard to the Report of this Committee. It is quite possible, as has been said, I have begun at the wrong end. Perhaps I did; but it is better to begin at the wrong end than not to begin at all, and I think your Lordships will see that if this Bill passes into law, on which point I am a little more sanguine than the noble and learned Lord on the Front Opposition Bench, it will, at all events, relieve the persons, who are in future to be appointed as High Sheriffs, to a not inconsiderable degree. If in a future Session of Parliament it may be found possible to go a great deal further I shall be glad. The proposal made by the noble and learned Lord is a proposal which I think deserves serious consideration. The proposal, as I understand it, is this: that in future the fees received by the Under Sheriffs shall be received by the Treasury; that the whole legal business for which the High Sheriff is at present nominally responsible, but of which he knows nothing, and can know nothing, and with regard to the carrying out of which he is perfectly unable himself to act, shall be dealt with by the Treasury also. Of course, the Sheriff has to leave everything to his Under Sheriff. Now, in future, the proposal is that those fees shall be transferred to the Treasury, and that the whole of this large legal business shall be carried on as a matter of national concern, and through the agency of the Treasury; and then that all the expenses of the Shrievalty shall be borne

by the Treasury. No doubt the noble and learned Lord is quite right in saying that if the fees received by the Under Sheriff at present were received by the Treasury, and if they were calculated on a proper scale, the whole expenses of the Shrievalty could be borne by the county, without any cost to the High Sheriff or charge upon the County Rate. If any proposal is brought forward hereafter, I shall give it the best support I can, and I think, in all probability, it is the very best way of dealing with this question. But up to the present time we have found that the Treasury has not shown any particular desire to move in this direction, and of course in the present Session of Parliament it would have been quite impossible to carry out such a proposal. However, I hope the Government will bear in mind what the noble and learned Lord has said, and will give it their best consideration.

On Question, whether ("now") shall stand part of the Motion, resolved in the affirmative; Bill read 3ª accordingly: Amendments made: Bill passed, and sent to the Commons.

THE OFFICES OF THE PRIME MINISTER AND FOREIGN SECRETARY.

*LORD STRATHEDEN AND CAMPBELL, in rising to call attention to results which have followed the connection of the duties belonging to the First Minister with those belonging to the Secretary of State for Foreign Affairs, and move for precedents upon it, said: My Lords, the notice has been put upon the Paper only to repeat or follow up what I have urged before upon the subject both in Parliament and elsewhere. The last time I addressed your Lordships I alluded to it briefly. Recent circumstances have, however, given a fresh importance to the topic. Embarrassments have happened attributable fairly to the union of two functions I have indicated, but which, unless their origin is traced, may lead to violent conclusions. In the few remarks I have to make nothing will fall from me—at least intentionally—which is opposed to the general idea of Lord Hartington and his supporters, in whom alone I recognise a guarantee of national security. So far am I from being alone among men friendly to the Government that only on the Thursday before last, the 17th of July, one of their organs anticipated nearly all that has occurred to me. On that account, I am more inclined to abridge or hurry over what I wish to bring before your Lordships. To specify that organ might produce mis-apprehension, or be against the usages of Parliament. It showed, however, clearly that the regular supporters of the Government are far from easy at the situation which exists. The journal went even beyond the view I have arrived at. I hold that in two cases the union of the functions is desirable; one when a particular emergency requires unusual concentration; the other when, at the beginning of a Government, the First Minister has never been conversant with the Foreign Office and feels the want of being conversant with it. Such a rule would have applied to Lord Melbourne, Sir Robert Peel, Lord Derby, Mr. Disraeli, and others. But it is obvious to the House that neither of these cases is before us. There is no great international emergency to traverse at this moment. The noble Marquess opposite was enabled to learn the business of the Foreign Office between 1878 and 1880. My Lords, it may appear presumptuous in anyone to enter on a problem of this nature unless he has a long experience at Downing Street to back him or instruct him. But during the past autumn much light has been thrown on the mechanism of government, and distribution of employment by the Papers of Lord Melbourne, by the life of Lord John Russell, by the correspondence of the late Earl Grey with Princess Lieven, which are accessible to everyone. The first result of the connection—as it now subsists, at least—is that the Treasury is violently dislocated or divided from the power which for many generations has supported it. The experience of two centuries has led to the convention, or one might say, the conviction that the First Lord of the Treasury and the First Minister of the Crown ought to be identified. Since the time of Lord Chatham, who formed a Government in 1766 and took the post of Privy Seal, the practice I refer to seems to have been constant. However scattered in the House, there may be noble Lords who know that kind of history much

better than I do. The system, so long matured and suddenly renounced, had grounds which are intelligible. The Treasury is constantly refusing money. To-night an instance was alluded to. Refusal to be tolerable must be based on policy, and no one but the head of the Government can urge with prudence and authority that such and such demands ought not to be complied with. The Treasury is also like the Supreme Court of the United States, enabled from time to time to keep Acts of Parliament suspended by withholding funds, without which they are unexecuted. There is a late example in the Public Offices Site Act. Now, such a power of revising Acts of Parliament can hardly be entrusted to an ordinary Member of the Cabinet, although it may be to the Leader, who reflects its general sagacity. But I attach no great degree of weight to the consideration of the Treasury. It is far more serious to recollect that the First Minister, according to all antecedent probability, must be overburdened, when he unites the general direction of affairs with the minute, far-reaching, and inexorable labours of the Foreign Office. I will not dwell on antecedent probability, although the topic is a fertile one. But what has been, my Lords, the recent observation of the country? Departments have appeared to reach a perilous autonomy. Bills have been improvised which might have been retarded with advantage. Things urgent and required have seemed to be obstructed or blocked up by things uncalled for and superfluous. Schemes based on prudence and necessity have been thought to yield to schemes whose parentage is doubtful, but which have been often traced to fanciful ambition and to impetuous philanthropy. Confusion must arise in Parliament when the First Minister, absorbed by diplomatic correspondence, has neither time nor energy to obviate it. The country has next observed the foundations of society impaired; the Constabulary and the military power shaken in allegiance. No doubt the danger is exaggerated, and must be till its latent cause is properly appreciated. But it might be thought at first that while the First Minister is decidedly a loser, the Secretary of State may be a gainer in proportion; that while at home there is a semblance of anarchy, there may be abroad a growth in energy or in efficiency. It is against all reason that it should be so. Foreign policy demands a great deal more, but yet I venture to submit that it demands *in limine* and as an indispensable preliminary strength in the Executive. It cannot flourish when all the world remark that the Executive is crumbling or weakened. Foreign policy, when ably conducted, is no doubt a bar to war, but the ability to go to war must yet be its foundation. No country is prepared for war when its police is undermined, and when the garrison of its metropolis, even to a limited extent, partakes of the infection. But on a general position of this kind men often differ in opinion. I am more inclined to look to circumstances which surround us. When there is a controversy with the United States as to the Behring Sea, with France as to Newfoundland, each tending to the chance of possible hostilities; when it is necessary to give up Heligo land, which could not but enhance our negotiating influence at Berlin; when nothing has been done to remove the danger long inherent in Bulgaria, or to revive the Ottoman assemblies, or to repair the Treaties of 1856, so vital to the Eastern Question, although we may acquit the Foreign Office of any strong reproach, although deficiency, much more than error, is imputable, although these difficulties may all have a happy settlement, it is impossible to urge that the union of the functions has led in that Department to any visible advantages. But if my estimate or survey is disputed, I retire from a strong to an impregnable position. The present union has one inevitable consequence, which, duly weighed, at least suffices as a reason for avoiding it as permanent or final. If anyone has meditated long enough on foreign policy he will arrive at the conclusion that two spheres of operation are related to it. One evidently is that of arrangement and adjustment in order to compose the differences, minute or large, which have sprung up between Great Britain and other independent Powers, such as a question on an Afghan frontier, or a parallel of latitude in Africa, or how far lobsters fall under the provisions of a celebrated Treaty. In that sphere —if I could judge at all—the noble

Marquess is a considerable master. But even there he cannot do so much as if the general direction of affairs was not absorbing and distracting him. The other sphere appears to be that of prosecuting, after deep reflection, changes, combinations which are good both for the honour of Great Britain and the tranquillity of Europe. Such was the Quadruple Alliance of Lord Palmerston, which required originating faculty to plan and to effect it. It would be easy, although it would not be desirable, to point out a series of measures not entirely dissimilar which merit grave consideration at this moment. In that higher sphere a Secretary of State, who, as First Minister, is responsible for every Department, every proposal, every appointment, it might, indeed, be said for every event, must be, no matter what his talent, helpless and incapable. It would be folly—with a mind so harassed and divided—to approach it. The utmost he can aim at is to put an end to complications of to-day, and to prepare for complications of to-morrow. He may be a plasterer, but he can never be an architect in Europe. However, granting, for a time, that arrangement and adjustment are the only business of the Foreign Office, that it ought not to aim at any objects more enduring, there is a practical objection to the present union which seems to me to be unanswerable. In these days it is essential that the Secretary of State should be at liberty, when an occasion calls for it, to visit capitals in which his influence is wanted. Since 1870, the Government would probably admit it, foreign policy has been to a great extent a struggle at Berlin between the counsels of St. Petersburg on one side, the influence of London on the other. Although to carry on that struggle we have had, in Lord Ampthill and Sir Edward Malet, two invaluable agents, it is important that the Secretary of State should throw his weight sometimes into the balance. M. de Giers, on the part of Russia, often does so. But it is not only at Berlin that the Secretary of State, in rare conjunctures, might exert a critical authority. Now, if he is first Minister, his duty to the Sovereign, the Cabinet, and public must retain him in this country, except when need for rest induces him to quit it. He cannot ever do so for exertion and activity. On the whole, therefore, it seems to be apparent that either function suffers by the union, when it is protracted. It is quite consistent with our general experience of human effort that it should be so. The sound direction of the whole, and the exact manipulation of a part, are seldom found together. The man who guides a helm can hardly labour as a stoker in the engine room. A general, directing armies, can seldom lead a charge of cavalry with profit. The bandmaster, who by the movement of a wand gives harmony to an orchestra would not succeed in doing so if he performed himself upon the kettledrum or trombone. At the same time I readily admit that the first Minister is bound to exercise a great control over the Foreign Office, although not technically leading it. We know from Mr. Lecky, the historian, who has investigated records, that Mr. Pitt composed a number of Despatches for the Foreign Office when his Ministry began. We know from the private secretary of Mr. Canning—and the fact is most impressive—that the last production of his mind was a State Paper upon Portugal, which he drew up while First Lord of the Treasury and Chancellor of the Exchequer. Unless I have been much deceived by statements current in political society, Lord Palmerston was ready as First Minister at given times to labour for the Foreign Office as he had done when connected with it. The noble Marquess has, indeed, sometimes, in a few words, defended the new system by pointing to inconveniencies which showed themselves under the normal one. I readily admit them. They are patent to all who have been ever versed in the career and correspondence of the very statesmen I have mentioned. But it does not follow that because one method is imperfect, another may not be attended with hazards less to be endured. It might also be pointed out that the deficiencies of the established form admit of mitigation by safeguards easy to advert to. If the first Minister and Secretary of State approximate in views to one another; if they deliberately settle how to act in every probable contingency; if the First Minister is accessible at all times to any difficulties which the Foreign Office may present to him; if

the Foreign Office never enter upon any new departure until the Sovereign and first Minister have previously endorsed it, the former system may do well—as it has under many Governments—down to the period when some transition in the country leads us to improve upon it. On the other hand, it would be difficult to mention any safeguards or conditions by which the lasting union of the offices would not continue, as it is at present, weakening to both of them. I have proposed to move for precedents, but doubt much whether any can be found since 1688 for such a combination. When Mr. Pitt came back to power in 1804 he may be thought to have united the two functions down to 1806, under the pressure of the war, although nominally First Lord of the Treasury and Chancellor of the Exchequer, With what deplorable results and tragic fate he did so, the pages of Lord Stanhope have explained, and it would well become the friends or colleagues of the noble Marquess to remember. Nothing which comes from me, nothing which transpires in the House, is likely to have much influence upon the Government. It ought not to be assumed that, because the present union has worked badly, a prompt or a precipitate correction of it would be useful. The good which I may partially effect, or have been led at least to contemplate, is that of drawing some attention, either here or out of doors, to the real origin of much which causes general disquietude. If men perceive that what has lately happened may be traced to a political experiment which ought not to be deeply blamed, however unsuccessful, they may recover equanimity and firmness, instead of looking to subversive remedies and revolutionary antidotes. The illustrious Duke, who often sits on the cross Benches, has frequently explained, in reference to military projects that "everything is tentative." We are familiar with the maxim. The noble Marquess may have been fully justified in initiating such a change as he has hazarded, although it has not borne the fruit which he anticipated. An eminent authority, while leading in the other House of Parliament, once stated—

"The misfortunes of individuals and of kingdoms that are laid open and examined with true wisdom are more than half redressed, and to this great point should he directed all the virtue and all the talent of the House."

Although the phrase may go too far, although the task it recommends may be too difficult, or little suited to the lassitude which marks the Session as it closes, we ought, I think, in some degree, to act upon the lesson it conveys to us. I, therefore, move according to the notice on the Paper.

Moved—

"That there be laid before the House any precedents that there may have been for the connection of the duties belonging to the First Minister with those belonging to the Secretary of State for Foreign Affairs."—(*The Lord Stratheden and Campbell.*)

*The Marquess of SALISBURY: My Lords, I think the noble Lord has undertaken a task which in itself is rather difficult. He obviously does not approve of the course which the Government has followed, and he has little confidence in us. That is a very proper and constitutional position, and I have no wish to complain of it. He thinks that I am guilty of many things: I am guilty of the mutiny of the Grenadier Guards or their insubordination; I am guilty of the fact that lobsters are not recognised as fish under the Treaty of Utrecht; and I am also guilty of not going circuit among the capitals of Europe in order to influence the various statesmen at the head of affairs in those countries. I do not think that the noble Lord opposite, my predecessor, did any better in that respect; but the noble Lord, while blaming me for those faults—and I have not enumerated one-tenth part of those which he has detailed—was kind enough to provide an excuse, and said that if only I had been Prime Minister without being Foreign Minister, or Foreign Minister without being Prime Minister, I should have committed none of these blunders. Well, it is very difficult for him to prove that. It is very difficult for him to prove that my blunders are not the result of my own innate incapacity and folly. And especially will he find it difficult when he finds that I am on the other side, and when I assure the noble Lord that, however difficult I find the two offices, if the two offices had been separated I should have done just as badly as I have done. That is the result of my own introspection, and I

must entreat the noble Lord to abandon that kind effort to cloak my shortcomings which he has been good enough to invent. The consequence I quite admit, though I entirely demur to his mode of proving it. I say it is quite impossible for the noble Lord to indicate how much of my failings come from one cause, and how much from another. Still the question raised by the noble Lord is one of considerable constitutional interest, and I observed that it was raised in the other House by no less a person than the leader of the Opposition. I think Mr. Gladstone was equally in error. He stated that it was impossible for anybody to do the duties of the two offices unless he was possessed of almost superhuman energy and skill. I think he did what is very natural to do; he contemplated the situation from the position which he himself occupied. If he had said that it was impossible for any man to be Prime Minister, leader of the House of Commons, and Foreign Minister as well, I should have absolutely agreed with him. There is no doubt that it would be too much for any man; it would crush even a Napoleon or an Oliver Cromwell. But the matter is very different when the Minister sits in the House of Lords. I am not prescribing the arrangement as one for universal adoption, but it seems to me a very fair thing to do when it is convenient to do it. But the noble Lord appeals for precedents in the matter. It is not for me to decry Conservatism wherever I find it; but I confess that, while I have a deep respect for Conservatism in matters of substance, my respect for Conservatism in matters of form is very small indeed; and if a thing is more convenient now it does not matter two straws whether or not it was found more convenient to Prime Ministers 20, 30, or 40 years ago. In considering it I think a mistake is made in talking of the offices of Prime Minister and Foreign Secretary being united as though that was an extraordinary combination of offices. The office of Prime Minister is never held alone; it is always united with some additional office or another. The question is, what office should be united with it; whether it is more convenient to unite with it the office of First Lord of the Treasury or some other office? My Lords, that seems to me to depend very much upon the question whether the Prime Minister is in this House or the other. I am not disputing that there are many reasons why it is more convenient that the Prime Ministership should be held by a Member of the House of Commons; but, on the other hand, the labour of that House is increasing so enormously that I have my doubts whether, unless some change which we cannot forecast takes place, it will be always easy to find a man of that surprising vigour of body and intellect, combined the great knowledge of which Mr. Gladstone speaks and of which he has been an example. For an ordinary man I think the labour of leading the House of Commons and being Prime Minister at the same time is a very overwhelming task. But if you pass by that question, and assume that it is settled by events whether the Prime Minister is to be in this House or the other, I should say that, on the whole, it is less convenient that he should hold here the office of First Lord of the Treasury. If he takes no part in the duties of the Treasury, then he has really very little as First Lord to do; if he does take part in them, he divides the Treasury into two halves, and is probably a serious impediment to the Chancellor of the Exchequer. In fact, so much has it been found a matter of difficulty to work those two offices separately, if the holders of them both take part in Treasury business, that it has constantly been the practice, as noble Lords will recollect, to unite the two offices of First Lord of the Treasury and Chancellor of the Exchequer. I confess from the little insight I had into the work that I do not think the tenure of the office of First Lord of the Treasury by a Member of your Lordships' House is very convenient; it is much better that the office should be held by a Member of that House in which Treasury questions constantly come up for discussion and are principally dealt with. Then as to the question, what advantage is derived with respect to foreign affairs from the Prime Minister not being Foreign Minister, I had the honour to serve under Lord Beaconsfield as Foreign Minister, and I occupied the inverse position towards my lamented Friend Lord Iddesleigh when he was Foreign Minister. My experience of that relation is, having been at both ends of it, that

the Prime Minister interferes extremely little in the conduct of foreign affairs. Of course, he has to deal with those great questions which come before the Cabinet and are decided by it; but outside the class of Cabinet questions he has not that daily familiarity with what is said and done which enables him to interfere with advantage in the conduct of foreign affairs. I can imagine a Prime Minister—I have heard rumours of such—interfering a great deal in the conduct of foreign affairs, but, if it has ever been so, I am quite sure that whatever the ability of that Prime Minister may have been, he could have done nothing but harm, because no good can be done in the management of complicated affairs when the same string is pulled by two people who are differently qualified for the duty of pulling it by the amount of experience, knowledge, and daily information which they possess. I can quite imagine that if a Prime Minister thought it his duty to interfere too much with foreign affairs, it would cause confusion rather than advantage. These things must be matters of estimate rather than of judgment. My impression is, that the shortcomings which the noble Lord finds, and which I do not wish to deny, are shortcomings personal to myself and in no degree arising from the combination of the two offices; and that if it is otherwise convenient for the Government, it is a combination which may be wisely permitted, and which affects injuriously neither the general conduct of the business of the Government nor the conduct of foreign affairs in particular.

EARL GRANVILLE: My Lords, I have grave doubts whether any practical advantage would result from continuing this discussion, but, at the same time, I am the last person who would have the right to complain of the noble Lord's bringing it forward, because some years ago I dwelt upon the subject at considerable length, and gave a good many reasons, and went into considerable detail. My complaint at that time, I am bound to say, fell absolutely flat, but that complaint has now become more general; it is not confined to the noble Lord, but has taken a considerable hold of the public mind. There was one thing in which I was perfectly wrong, though I deemed it very likely at the time; my own conviction was that it would be impossible for the noble Marquess's physical strength to stand the great strain which filling the two offices would entail upon him. I am happy to say that I was completely wrong in that conviction, and nobody is more pleased that it is so than I am myself. With regard to the answer of the noble Marquess as to precedents, he said that he was not much of a Conservative as regards matter of form. Now, I must confess that, although I think that he is in some ways a strong Conservative, I have always thought there was a slight flavour of Radicalism about him. I have never concealed that from myself, and I rather think there is a disposition on the part of the present Government to throw aside, as matters of form, matters which have very often a great deal of substance in them. But when the noble Marquess says he doubts the usefulness, as a rule, of Prime Ministers taking a very great part in foreign policy, I am obliged to say, partly from my own experience and partly from what I have read, that Mr. Canning, Lord John Russell, Lord Palmerston, Sir Robert Peel, and Mr. Gladstone, all took the deepest and most constant interest in the supervision of foreign affairs when they were Prime Ministers, so that my experience and what I have heard is entirely opposed to that of the noble Marquess. I really cannot see the strength of the argument of the noble Marquess with regard to the position of the First Lord of the Treasury when he talks of the inconveniences of uniting the two offices of First Lord of the Treasury and Prime Minister, because really the work of the First Lord of the Treasury is very little more than a sinecure. He is the head of the hierarchy with regard to the national expenditure; he is in a position in which appeals are necessarily made to him. But as to the daily working of it really the office of First Lord of the Treasury is one which would not interfere in the slighest degree either with the other duties of the Prime Minister or with the duties of leading in the other House of Parliament. I quite admit that there is a great distinction between the offices being held by the Prime Minister in this House and being held by one who, at the same time, is leading in the House of

Commons. I do not mean in the slightest degree to diminish the enormous difference; but I think there is so much that requires constant attention, and that the drudgery of the Foreign Office is so great, that there are great objections to this union of offices. Quite beyond the important questions to be settled, there are many things in which the Foreign Minister must take part, and with which he must show acquaintance when addressing Ambassadors and Ministers of Foreign Powers. He must be able to talk on the subjects of which they talk, though they may not be of vital importance, and the numbers of hours constantly occupied by any Foreign Minister in his work is enough to incapacitate him from undertaking the heavy duties of another office, too. I am unwilling to prolong this discussion, because, as I have said, I think it can lead to no practical result; but I do differ from the noble Marquess, and I adhere to my former opinion, not only with regard to the strength and powers of the individual who holds both offices, but I believe there is a very grave objection to having the two offices in one, because there is no longer the advantage of having a certain amount of check from one to the other.

*LORD STRATHEDEN AND CAMPBELL: I have no wish, my Lords, to prolong discussion by an answer, but am contented to leave to the general arbitrament what has fallen from myself, the noble Marquess, and the noble Earl who has just spoken. As the Government appear to be unable to furnish any precedents such as the Motion would require, I feel entitled to withdraw it.

Motion (by leave of the House) withdrawn.

STATUTE LAW REVISION BILL.

(No. 203.)

Commons Amendments considered (according to order.)

THE LORD CHANCELLOR: Perhaps, with regard to these Amendments, I may be allowed to say that I see no very great difference exhibited between those proposed in the other House and those to which I ask your Lordships to agree to. Mainly, the question has been with regard to the omission of Preambles of certain Acts of Parliament, and wherever it has been considered undesirable to omit the Preambles from the Acts of Parliament by reason of showing their purpose and object, I must advise your Lordships' House to disagree with the Commons Amendments; but in the greater proportion of the cases, I think we may safely agree to the Commons Amendments as made. One great distinction has been made, and I think wisely, by those who have had the consideration of these matters, that instead of an actual repeal of those portions of the Acts of Parliament consisting of Preambles and so on, there has been a reference made to them for the purposes of the authorised version of the Statutes. The effect will be that, should any question arise as to the existence or non-existence of those Preambles, or should any question arise as to the real meaning of those Acts of Parliament, they will still remain for purposes of reference, and they need not be printed again in the Revised Statutes. With that short explanation, I think it will not be necessary to do more than take the Amendments *seriatim*.

LORD THRING: It is a very great satisfaction to the Committee, of which I happened to be Chairman, that the House of Commons have taken up the question of the revision of the Statutes as they have done. That Committee recommended that the Statute Law Revision Bill should go further than my Committee ventured to propose without the authority of the other House. They have gone even further: they have made omissions of some very valuable Preambles. They have also, as stated by the noble and learned Lord on the Woolsack, recommended the course of cutting out the Preambles; not that they should be repealed, but that a provision should be inserted in the Bill stating that in future editions those parts might be excised. A Committee consisting of Lord Herschell, the Solicitor General, Mr. Price, and several Members of my own old Committee, including myself, have gone carefully through the Commons Amendments, and we have acceded to all of them, as the noble and learned Lord on the Woolsack has stated. If your Lordships will accept that statement on my authority, I believe the preparation of the revised edition will progress very quickly.

Some of the Commons Amendments agreed to; some agreed to with Amendments; and consequential Amendments made to the Bill; some disagreed to; and a Committee appointed to prepare reasons to be offered to the Commons for the Lords disagreeing to some of the said Amendments: The Committte to meet forthwith.

REMOVAL TERMS (SCOTLAND) ACT 1886 AMENDMENT BILL.—(No. 206.)

House in Committee (on Re-commitment) (according to order): Bill reported without further Amendment; and to be read 3ª to-morrow.

ELECTIONS SCOTLAND (CORRUPT AND ILLEGAL PRACTICES) BILL.—(No. 158.)

Read 3ª (according to order) with the Amendments, and passed, and returned to the Commons.

COMMITTEE OF SELECTION FOR STANDING COMMITTEES.

Report from, That the Committee have added to the Standing Committee for General Bills the Lord Chancellor and the Marquess of Salisbury for the consideration of the Marriages in British Embassies, &c., Bill, and to the Standing Committee for Bill relating to Law, &c., the Lord Ashford (*V. Bury*) for the consideration of the Directors' Liability Bill, and the Lord Archbishop of Canterbury for the Housing of the Working Classes Bill, read, and ordered to lie on the Table.

STATUTE LAW REVISION BILL
[No. 203.]

Report from the Committee of the reasons to be offered to the Commons for the Lords disagreeing to certain of the Amendments made by the Commons to the Bill; read, and agreed to; and a message sent to the Commons to return the said Bill, with Amendments and reasons.

STATUTE LAW REVISION (No. 2) BILL.

A Bill for further promoting the revision of the Statute Law by repealing enactments which have ceased to be in force or have become unnecessary—Was presented by the Lord Chancellor; read 1ª; to be printed; and to be read 2ª to-morrow.—[No. 230.]

House adjourned at half past Six o'clock, till to-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Monday, 28th July, 1890.

ORDERS OF THE DAY.

BOILER EXPLOSIONS ACT (1882) AMENDMENT BILL.—(No. 339.)

*Sir W. HOULDSWORTH (Manchester, N.W.): I beg to move that the Lords' Amendments to this Bill be considered forthwith.

*Mr. BRADLAUGH (Northampton): I have no desire to prevent an agreement with the Lords in these Amendments; but I wish to point out that they are taken without notice, and that hon. Members know nothing of them.

*Mr. SPEAKER: I felt that objection myself, and it is only in consequence of the hon. Member in charge of the Bill having given public notice that the Amendments would be considered to-day at this time that I have allowed them to be brought on.

Motion made, and Question proposed, "That the Lords' Amendments be considered forthwith."

*Mr. BRADLAUGH: My difficulty is this, that I do not know what the Amendments are.

*Sir W. HOULDSWORTH: The object of the Bill is to transfer investigations into explosions of boilers connected with mines from the Home Office to the Board of Trade. The Amendments are of a most formal and technical character.

*Mr. BRADLAUGH: I will not stop the Bill as I have really no knowledge of the subject; but I think it ought to be on record that the taking of Amendments without notice did not pass unchallenged.

*Mr. SPEAKER: I only allowed the Bill to be brought forward without notice when I found that the Amendments were not such as to call for the attention of the House.

Question put, and agreed to.

Lords' Amendments considered, and agreed to.

QUESTIONS.

OPEN AIR PREACHING IN CALCUTTA.

MR. SAMUEL SMITH (Flintshire): I beg to ask the Under Secretary of State for India whether he is aware that a bye-law has been just passed by the Calcutta Municipality, at the instigation of its Chairman, Sir Henry Harrison, prohibiting preaching in ihe open squares of Calcutta; whether he is aware that a similar attempt was made nine years ago and failed, being then declared a violation of Common Law; that Hindoos, Brahmists, as well as Christians, have long been in the habit of preaching in the open air, without let or hindrance; and that perfect quiet and order has prevailed at their assemblies; whether this prohibition, if not repealed, may be extended all over India, and would virtually prohibit the preaching of Christianity over a great part of the country, as much of the work is done in the open air; and whether he will call the attention of the Government of India to the subject?

*THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): The Secretary of State has no official information on this subject, which is one of Local Government, but he understands that the bye-law in question is now under the consideration of the Lieutenant Governor of Bengal, with whom the allowance or dis-allowance in the first instance rests.

EMPLOYMENT OF LABOUR IN INDIA.

MR. HOYLE (Lancashire, S.E., Heywood): I beg to ask the Under Secretary of State for India if the Government of India accepts, and will enforce in respect to the employment of labour in mines and in factories, the humane decisions to which Her Majesty's Government agreed at the International Conference recently held in Berlin?

*SIR J. GORST: The Report and proceedings of the Berlin International Conference have been sent to the Government of India for consideration with the Factory Bill now before the Indian Legislature. The Secretary of State cannot say how far the detailed recommendations will be applied to India, until the Government of India report their views.

MR. HOYLE: Does the right hon. Gentleman expect an answer soon?

*SIR J. GORST: No, Sir; from my experience of the Government of India some time will elapse before an answer is received.

THE INDIAN BUDGET.

MR. BRADLAUGH (Northampton): As we are now arriving at the close of the Session, may I ask the First Lord of the Treasury when we are to have the Indian Budget?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): I am unable to say. I wish it was in my power to say when the close of the Session would arrive.

SLAVERY IN THE SOUTH SEAS.

MR. SAMUEL SMITH: I beg to ask the Under Secretary of State for the Colonies whether the attention of the Government has been called to a statement recently made by the Reverend John G. Paton, Missionary, regarding slavery in the South Seas, wherein he states that the Presbyterian Mission Synod at Kwamera, Tanna, New Hebrides, unanimously resolved that the Kanaka labour traffic has

> "To a large extent depopulated the New Hebrides and adjoining islands, upset family relations among the natives, and has been, and is, the cause of much sorrow, suffering, and bloodshed among them on the islands;"

that he has himself seen white men in their boats taking Kanakas to a labour vessel, and by force lifting them on board, and when they tried to leap overboard to swim ashore, they were knocked down again and again on deck until they lay stupefied, and were so taken out to sea; and that he had been on board a labour vessel which had all the stout Kanakas that were likely to escape or give any trouble fastened under irons, and that the crew of the vessel had shot an Errumangan Chief dead while binding and taking his daughter away by force, they also shot one of his men who attempted to protect her, after which they took her on board the ship, and afterwards they shot dead one of the native Christian teachers; whether he is aware that this labour traffic, which was for a time suspended, has now been resumed, with a probability of the recurrence of similar treatment; and

whether, under the circumstances, the Government will endeavour to put an entire stop to this labour traffic, in the interests of humanity?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): I have been furnished by the hon. Member with a copy of the newspaper containing Mr. Paton's statement, but it is not possible to take action upon it unless Her Majesty's Government can be furnished with the names of the vessels, and the colony from which they came (if they were British ships), together with the dates of these occurrences. If these particulars can be supplied, the fullest inquiry shall be made, with the view of bringing the perpetrators to justice if possible. I am not aware that the traffic had been suspended, but by a law of 1885 it is provided that Polynesian labourers shall not be introduced into Queensland after the end of this year. As regards Fiji, which is understood to be the only other colony where this kind of labour is employed, no complaints of ill-treatment have reached the Colonial Office, and I do not see that Her Majesty's Government are called upon to interfere.

WIRE-FENCING.

MR. BRUNNER (Cheshire, Northwich): I beg to ask the President of the Local Government Board whether his attention has been called to the finding of the Coroner's Court in an inquest on the body of Mr. John Dutton, of Davenham, Cheshire, to the effect that the cause of death was "blood-poisoning, the result of severe injuries to his arm caused by being dragged against a barbed wire fencing by a pony," and to the observations of the Medical Officer of Health at the meeting of the Rural Sanitary Authority of the district on the danger of wounds caused by barbed wire fencing; and whether he will take steps to amend the law so as to render illegal this description of fencing at the side of a footpath or a public highway?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): My attention has been called to a newspaper report of the proceedings at the Coroner's Inquest in the case of Mr. Dutton, of Davenham, and also to the proceedings at the meeting of the Rural Sanitary Authority with regard to the case. As I understand, the injury which led to the blood-poisoning, which was the cause of the death, was the result of an accident. Mr. Dutton was leading a pony and the animal made a spring and knocked him into the hedge, and, in consequence of his finger being fixed in the halter, he was dragged along the wire of the fence. It appears from the evidence that the barbed wire was not immediately adjoining the foot-path, but there was a sort of gutter between the foot-path and the hedge. I cannot give any promise to propose legislation with regard to fencing of the character referred to.

INCOME TAX ON LODGING HOUSE OWNERS.

LORD HENRY BRUCE (Wilts, Chippenham): I beg to ask the Secretary to the Treasury whether houses which were not originally erected for letting as tenement dwellings, but which are now arranged and let as such, are held to be within the definition given by the Chancellor of the Exchequer as being—

> "Constructed for the sole purpose of providing separate dwellings at rents not exceeding 7s. 6d. a week and approved by the Medical Officer of Health;"

whether houses let in apartments and boarding houses are to be treated as places of business in the same way as lodging houses; and what is the proper definition of lodging houses, and the correct method to be pursued to obtain registration or otherwise in order to obtain the benefits conceded to them in the present Session?

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): The answer to the first question of the noble Lord is, Yes. The proper definition of a lodging house is a house used for the main purpose of letting furnished lodgings as a means of livelihood, and the actual name employed to describe such houses is immaterial. In order to secure the benefits of the recent concession notice should be given to the clerk to the Income Tax Commissioners for the division in which the house is situated, and in case the application is disallowed there lies an appeal to the District Commissioners.

SALMON FISHINGS IN SCOTLAND.

MR. FRASER-MACKINTOSH (Inverness-shire): I beg to ask the Lord Advocate what are the intentions of the Government in regard to the Report and Recommendations of the Committee appointed to inquire into the Crown rights in salmon fishings in Scotland?

THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): I must ask the hon. Gentleman to postpone the question.

CENTRAL FOREIGN PARCELS POST DEPOT.

MR. FRASER-MACKINTOSH: I beg to ask the Postmaster General whether parcels reaching the Central Foreign Parcels Post Depot at Clerkenwell, for transmission to foreign countries and the colonies, are acknowledged by a sorter held responsible for their future safe custody, although his duty is fulfilled by placing the parcels in an open rack or basket, accessible to every person entering the department; whether such parcels, though in many instances of a valuable character, nevertheless remain for hours, and in some cases days, in such rack or basket, until actually required by the despatching officer when making up the foreign mails; and whether this officer has any check upon the number of parcels which should be in such rack or basket when making up his despatch?

*THE POSTMASTER GENERAL (Mr. RAIKES, Cambridge University): Foreign and colonial parcels are transferred from one part of the office at Mount Pleasant to another in sealed baskets, and whilst awaiting despatch are packed in sealed boxes or baskets, or locked cupboards. Only such persons as are employed in the foreign and colonial branch have access to them. Unless a system of registration were introduced it would be contrary to practice to keep a numerical check on foreign or colonial parcels.

DEBATES IN THE JERSEY STATES.

MR. F. W. MACLEAN (Oxford, Woodstock): I beg to ask the Secretary of State for the Home Department whether he is aware that the Lieutenant Governor of Jersey claims a right to interfere with the freedom of debate in the "States," or Parliament, of that island; and, if so, whether the Lieutenant Governor has any such right?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): I have referred this question to the Governor, and he informs me that he has had no intention to claim, and does not consider himself entitled to claim, the right to interfere with the freedom of debate in the States of Jersey. The Governor has a negative voice or veto in the making of ordinances, but he has no right to interfere with the freedom of debate.

THE GOVERNMENT DOCKYARDS.

MAJOR RASCH (Essex, S.E.): I beg to ask the First Lord of the Admiralty whether, as skilled workmen are unable to ascertain on what principle they are paid, he would permit the posting of a scale of pay per week in Government dockyards?

*THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): The rates of pay per week are generally known to the workmen in the dockyards, and if there is anything with regard to his pay which a workman does not understand, he has only to ask his foreman or leading man. In the case of job and task or tonnage work the schemes of prices are not open to the inspection of the workmen, but any of the leading men or workmen, with the sanction of the principal officer of the department to which they belong, and in the presence of the measurer, are permitted to examine the measurer's account of their work, in order to satisfy themselves that such work has been accurately brought to account.

In reply to Mr. WOODALL (Hanley),

*LORD G. HAMILTON said: The difficulty of laying down a stereotyped schedule as regards piecework in the dockyards is that it cannot be applicable unless all the ships are also stereotyped as regards classification and internal arrangement. Therefore, as the introduction of piecework is not on a great scale, it has not been possible in advance to publish a schedule of the price. I will do all in my power to meet the views of the men.

NIGHT MAILS BETWEEN LONDON AND PLYMOUTH.

MR. WILLIAM M'ARTHUR (Cornwall, Mid, St. Austell): I beg to ask the Chancellor of the Exchequer whether he will re-consider the facts and arguments repeatedly laid before him by influentially-supported Memorials from upwards of 200 Public Bodies under seal or resolution, in favour of contributing towards the establishment of additional night mail trains between London and Plymouth; whether the proposed trains would very materially improve the postal inter-communication between almost every town west of Basingstoke as far as Penzance and the Scilly Isles, as well as to and from London, and especially between the Naval Establishments of Portsmouth and Devonport; whether he will consider the advisability of improving the existing postal arrangements between many of the towns in the five south-western counties by utilising the railways now traversing them, the mails now being conveyed by mail carts during the night for many miles; whether the proposed improved service has been approved by Her Majesty's Postmaster General; and whether the expenditure asked is small for the services to be rendered?

MR. JACKSON: In the absence of my right hon. Friend, perhaps the hon. Gentleman will be good enough to postpone the question until to-morrow or next day.

BERMUDA.

MR. HANBURY (Preston): I beg to ask the Financial Secretary for War whether his attention has been called to a letter of Mr. Clarke, late of the Medical Staff Corps, in the *Daily News*, of 25th July, as to the military stations in Bermuda, stating,

"Last year we had a very bad epidemic of enteric (typhoid) fever, there being 139 cases and 22 deaths amongst the young soldiers of the Leicestershire Regiment. I sincerely hope the Guards will be more fortunate;"

and what is the present information as to the sanitary condition of these stations?

THE FINANCIAL SECRETARY FOR WAR (Mr. BRODRICK, Surrey, Guildford): It is true that there was an epidemic of fever in Bermuda from October, 1888, to February, 1889. Since then the health of the troops has been very good, the annual ratios of admissions to hospital and of deaths comparing very favourably with those of other stations. But I regret to say that a telegram has been received this morning stating that six men have been admitted into hospital suffering from enteric fever. The sanitary condition of the barracks is stated to be satisfactory, and every precaution will be taken as to the health of the troops.

LOCAL TAXATION BILL—POLICE BURGHS.

MR. HUGH ELLIOT (Ayrshire, N.): I beg to ask the Lord Advocate whether, having regard to the fact that police burghs do not fall under the administration of County Councils, it is intended to give them a share of the residue grant provided by the Local Taxation (Customs and Excise) Duties Bill; and, if so, in what manner it is proposed to allocate the grant?

*MR. J. P. B. ROBERTSON: My hon. Friend was good enough to direct my attention to the position of police burghs in regard to this grant, and he will see from the Notice Paper that the Amendment of my right hon. Friend is altered in such a manner as to give effect to his representation.

NAVAL ORDNANCE ADMINISTRATION.

MR. DUFF (Banffshire): I beg to ask the First Lord of the Admiralty if he will lay upon the Table of the House the Report of the Inter-Departmental Committee on Naval Ordnance Administration which he recently referred to?

LORD G. HAMILTON: The Report has not been received by the Admiralty, and when received will require careful investigation as to the ultimate effect of its proposals. I cannot at present state when the Report will be made public.

MISSION STATIONS IN AFRICA.

MR. BUCHANAN (Edinburgh, W.): I beg to ask the Under Secretary of State for Foreign Affairs what are the two British Mission Stations within the German sphere of influence in Africa; and whether, in the final delimitation of the boundary between the British and German spheres between Lakes Nyassa and Tanganyika, he will endeavour by friendly arrangement with the German

Government to have included within the British boundary the Nyassa Mission Sanatorium at Kararamuka?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): The two stations referred to are the Free Church Station of Ukukwe, to the west of the Songwe River, and the sanatorium mentioned, which is in the Livingstone Mountains, on the north-east of Lake Nyassa. The final delimination is nothing more than a rectification in accordance with local requirements, and could not be made to include a transfer of the sanatorium to the British sphere; but its position in the German sphere will not in any way interfere with its usefulness. Some of us hope to visit German sanatoria shortly, and I do not think that we shall benefit by them the less on account of their not being under the British flag.

HORSE BREEDING.

MR. ALFRED PEASE (York): I beg to ask the Secretary to the Treasury whether he can announce the intention of the Government to give effect to the recommendation of the Royal Commission on Horse Breeding in their Third Report, advising that the amount disposable for Queen's Premiums should be raised from £5,000 to £10,000?

MR. JACKSON: No, Sir; it is not our intention to give effect to this recommendation.

CIVIL SERVICE COPYISTS.

MR. TUITE: I beg to ask the Secretary to the Treasury whether, in the interests of the Public Service, the Government will consent to heads of Departments granting the writers a half-holiday on every Saturday in those Departments where such privilege is allowed to the Upper and Lower Division clerks; and whether in those Departments where the half-holiday is allowed on every Saturday to Upper and Lower Division clerks, it is the wish of the Government that the writers engaged in such Department shall have the half-holiday granted to them only on alternate Saturdays, although in most cases the writers have rendered longer service than the Lower Division clerks, and were for 14 or 15 years in some Departments allowed such half-holiday on every Saturday?

MR. JACKSON: The Order in Council of March 21, 1890, only authorises heads of Departments to allow Second Division clerks of half-holidays on alternate Saturdays provided that public business will permit; and heads of Departments have, as far as I know, no authority to go out outside the Order in Council. In these circumstances, the Chancellor of the Exchequer is unable to make any further concession to copyists in respect of Saturday half-holidays.

GWYLWYR SETT QUARRY.

MR. LLOYD-GEORGE (Carnarvon, &c.): I beg to ask the Secretary to the Treasury the name of the person with whom negotiations are pending for a lease of the Gwylwyr Sett Quarry, Pistyll, Carnarvonshire, when those negotiations commenced, and why they have not been brought to a termination; what are the terms demanded by the Commissioners of Wood and Forests as to dead rent and royalties, and what is the minimum with regard to time and number of men which they insist upon including in the proviso for re-entry; whether the Commissioners have received applications from more than one person or party for a lease; and, if so, in what order of date they received such applications; and when the last lease expired?

MR. JACKSON: I am not able to answer the question, because the negotiations are not complete; and it would be unusual to make a statement until they are complete.

NIGER TERRITORIES.

SIR G. CAMPBELL (Kirkcaldy, &c.): I beg to ask the Under Secretary of State for Foreign Affairs if he can yet state the purport of Major Macdonald's Report regarding the Niger territories, and whether it has or has not justified what has been done; and whether the Report, or the substance of it, will be communicated to the House before they are asked to pass the Votes in Supply for the offices dealing with this subject?

*SIR J. FERGUSSON: Major Macdonald's Report was intended to be confidential. It is of a very detailed character, and cannot be communicated. Indeed, it will receive further and more

particular consideration. A principal object of his work was to furnish Her Majesty's Government with materials for considering the question of extending the charter over adjacent districts. He was further to inquire into certain points under discussion with Germany, with the result that satisfactory explanations have been exchanged during the recent negotiations at Berlin. In addition, he was to examine the administration of the Royal Niger Company, with regard to which, while pointing out certain imperfections, he describes it as in the main highly satisfactory as to progress, system, and observance of the charter.

HANSARD'S PARLIAMENTARY DEBATES.

MR. J. M. MACLEAN (Oldham): I beg to ask the Secretary to the Treasury whether he will endeavour, before the Vote for the Stationery Office is taken, to procure from the *Hansard* contractors particulars of the cost of furnishing reports of the proceedings of the Standing Committees, similar to the report contained in the experimental number of *Hansard* of the 8th instant?

MR. W. A. MACDONALD (Queen's Co., Ossory): Before the right hon. Gentleman answers the question, I wish to ask whether he will ascertain at the same time what would be the cost of extending the reports of the proceedings of this House and of supplying a copy of *Hansard* to each Member of the House?

MR. JACKSON: The question asked by the hon. Member opposite was carefully considered by the Committee before the recent arrangement was made, and the Committee were practically unanimous upon the subject. There was one Member who took a different view; but with that exception, the Committee were unanimously against the proposal. With regard to the question of the hon. Member for Oldham (Mr. Maclean), it relates to a subject which has not been brought under my notice; but I need not say that it is a matter that would require very careful consideration.

ABINGER GLEBE.

MR. SHAW LEFEVRE (Bradford, Central): I beg to ask the President of the Board of Agriculture whether, now that Abinger Glebe has been sold, he will lay upon the Table the Correspondence with the Land Commission on the subject, and especially the letters of Sir T. H. Farrer?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. CHAPLIN, Lincolnshire, Sleaford): I am not aware of any grounds on which it would be desirable, in the public interest, that the Correspondence with the Board of Agriculture on this subject should be laid upon the Table. I am afraid it would tend to destroy that free communication with the Board which it is desirable to maintain in these cases.

MR. SHAW LEFEVRE: Will the right hon. Gentleman lay on the Table a copy of the letters in question?

MR. CHAPLIN: I am not sure what letters the right hon. Gentleman refers to. Some of Sir T. Farrer's letters are marked private I know, but there is nothing in the correspondence which I should desire to withhold, and, subject to his consent, I shall be very glad to show the letters to the right hon. Gentleman if he desires it.

CHURCH OF ENGLAND REVENUES.

MR. PICTON (Leicester): I beg to ask the Secretary of State for the Home Department whether the Return of the revenues of the Church of England, which was expected in June, will be laid upon the Table of the House before the end of the Session?

MR. MATTHEWS: The hon. Member is aware that this Return was formally presented to Parliament at the end of last month. The proofs are still with the printers, and the Ecclesiastical Commissioners inform me that it will take a week at least to check the proofs, owing to the great mass of figures that have to be corrected. I hope, however, that it will be found possible to place the Return in the hands of Members before the end of the Session.

NEWFOUNDLAND.

MR. E. ROBERTSON (Dundee): I beg to ask the Under Secretary of State for Foreign Affairs whether he will now state under what Law of the Imperial Parliament, or the Newfoundland Legislature, or in virtue of what prerogative of the Crown, the instructions to Naval Officers on the Newfoundland Coast have been framed; and whether a copy of

these instructions will be laid upon the Table of the House?

*SIR J. FERGUSSON: As it is believed that the legality of the action taken under instructions will be brought before a Court of Law it is undesirable to reply to this question. The tenor of the instructions to the Naval Officers will be found at page 384 of the correspondence respecting the Newfoundland Fisheries lately issued.

COMPOUNDING FOR RATES.

MR. ESSLEMONT (Aberdeen, E.): I beg to ask the Lord Advocate whether he will inquire if it is the fact that towns in Scotland which are counties in themselves do by special Acts compound with landlords for rates on rentals of £4 and under?

*MR. J. P. B. ROBERTSON: None of the Scotch towns are counties in themselves, except in so far as Edinburgh is styled the County of the City of Edinburgh. In several of the burghs there are special Acts having clauses to the effect stated.

COURT OF SESSION.

MR. LENG (Dundee): I beg to ask the Lord Advocate if he will state the effect of the recent Act of Sederunt in reducing the arrears of cases in the Court of Session; and whether counsel and agents have given the assistance that might be expected in attending when cases have been called?

*MR. J. P. B. ROBERTSON: I am glad to be in a position to inform the hon. Member that the business of the Court of Session as regards the amount of arrears is in a satisfactory state, due no doubt to the effect of the recent Act of Sederunt and general assistance given by counsel and agents.

PERPETUAL PENSIONS.

MR. BRADLAUGH: I beg to ask the First Lord of the Treasury on what date he will, in fulfilment of the undertaking given on 16th May last, afford the House the opportunity of passing its opinion upon the Motion, of which notice has been placed on the Paper, disapproving the Treasury Minute of 15th July relating to perpetual pensions?

*MR. W. H. SMITH: I hold to the undertaking given on this subject

THE INDIAN BUDGET.

*MR. BRADLAUGH: We are getting on close to the end of the Session, and no date has yet been fixed for the Indian Budget.

MR. W. H. SMITH: I am aware of that; I wish we were closer.

TITHES IN WALES.

MR. STANLEY LEIGHTON (Shropshire, Oswestry): I beg to ask the First Lord of the Treasury whether his attention has been called to the renewal of organised resistance to the payment of tithe rent-charge in Montgomeryshire, and to the riot which occurred on the 12th of July at Llanfihangel, in that county, in which Major Godfrey, the Chief Constable, was struck, and Mr. Craft, the auctioneer, repeatedly kicked by the mob; and whether the Government will take steps to ensure the punishment of those who enter into illegal combinations to defeat the law?

*MR. W. H. SMITH: The Secretary of State has received a Report from the Chief Constable, who states that there was no organised resistance to the payment of tithe on the occasion in question, nor has there been in that county for the last three years. It is not the fact that the Chief Constable was struck. The auctioneer was once kicked, but not seriously. In each case the amount distrained for was recovered, and the Chief Constable attributes what slight disturbance there was to the fact that insufficient notice was given to him of the levying of distraint, and time did not allow of the adoption of those conciliatory measures which have hitherto been successful in securing the due enforcement of the law without disturbance. The Chief Constable states that there is no evidence whatever of any illegal combinations to defeat the law. Were such evidence forthcoming in this or in any other county, the Government are prepared to take steps to bring to punishment any such offenders against the law.

CONSTABLE OF CARNARVON CASTLE.

MR. DAVID THOMAS (Merthyr Tydvil): I beg to ask the First Lord of the Treasury upon whose recommendation the senior Member for Devonport (Sir J. Puleston) has been appointed to

the constableship of Carnarvon Castle, as successor to the late Lord Canarvon; and whether he is in a position to state the grounds which led to a disregard of the expressed wish of the Carnarvon Town Council in the matter? I would also ask whether it is the fact that the hon. Member (Sir J. Puleston) has appointed the Conservative agent as Deputy Constable?

*Mr. W. H. SMITH: The appointment of the senior Member for Devonport as Constable of Carnarvon Castle was made by the Crown on the recommendation of the Prime Minister, to whom questions of this nature should be addressed in another place.

Sir J. PULESTON (Devonport): There is no foundation for the statement made by the hon. Gentleman, who has made me the subject of a question without precedent in this House.

TREASURER OF MIDDLESEX.

Mr. KIMBER (Wandsworth): I beg to ask the First Lord of the Treasury whether the Treasury have decided that the late Treasurer of the County of Middlesex, who had held that appointment for 18 years until the office became abolished on the London County Council coming into existence, is not entitled to any compensation, notwithstanding that he was, in the words of the Local Government Act, Section 120—

"An existing officer who by virtue of this Act, or anything done in pursuance of or in consequence of this Act, suffers direct pecuniary loss by abolition of office or by diminution or loss of fees or salary;"

if so, on what grounds was such decision arrived at; whether the opinion of the Law Officers was taken upon the question; and, if so, whether the Government would allow such opinions to be perused by the late Treasurer; whether the following grounds, to which among others the above-quoted section directed that regard should be had, namely, the nature of his office (virtually a life appointment), the duration of his service (18 years), and all other circumstances of the case, were duly considered by the Treasury before arriving at their decision; and if the Government consider for any technical reason that the case is not within the Act, will the Government in any future Bill propose enactments to remedy the omission?

Mr. David Thomas

*Mr. W. H. SMITH: The office of Treasurer of the County of Middlesex has not been abolished, but Mr. Allen has been removed from it. He held the office under the provisions of the Act 12 George II., cap. 29, and the 11th section of that Act gives power to the Court of Quarter Sessions to remove the Treasurer at pleasure. This power is, by the Local Government Act, transferred to the County Council, whose officer the Treasurer had become. The exercise of the power of removal given by the carlier Statute was not anything done in pursuance of the Local Government Act, and that Act, therefore, did not give the Treasury any power to award compensation to Mr. Allen. The Law Officers of the Crown were consulted in the matter, but their opinions are confidential documents, and I cannot undertake to present them. Nor am I prepared to introduce a Bill to extend the power of compensation given to the Treasury by the 120th section of the Local Government Act.

MALTA.

Mr. SUMMERS: I beg to ask the First Lord of the Treasury whether he is aware that an Ordinance was passed by the Council of Government in Malta in 1867, "to amend the laws relative to the rights and duties emanating from marriage and the separation of married persons;" whether his attention has been called to the fact that this Ordinance refers to the "Codice de Rohan," certain provisions of which it repeals and amends; whether the said Ordinance provides that a separation pronounced by any other Court than the Civil Court, produces no civil effect, and likewise "repeals and abrocates any other law or custom contrary to or incompatible with the provisions of this Ordinance;" and whether he will cause a copy of this Ordinance to be laid upon the Table of the House?

*Mr. W. H. SMITH: The answer is in the affirmative to the first three parts of the hon. Member's question. A copy of the Ordinance will be laid on the Table, if desired, but the Ordinance does not affect the law regulating the celebration of marriage.

Mr. SUMMERS: I beg to ask the First Lord of the Treasury whether he is aware that the "Codice de Rohan,"

which was the main body of law in force in Malta at the time of the British occupation of the island, treats of the subject of marriage (Dritto Municipale di Malta, Libro Terzo); and whether he will cause a copy of this Code to be placed in the Library of the House.

*MR. W. H. SMITH: The "Codice de Rohan" treats of the subject of marriage as regards the effect upon property, but not as regards the mode of celebration. I do not know whether a copy of the Code can be procured for the library of the House, but I will inquire.

BIRMINGHAM MINT COMPANY.

MR. CUNINGHAME GRAHAM (Lanark, N.W.): I beg to ask whether the two officials of the Mint who acknowledged holding shares in the Birmingham Mint Company are still holding appointments in the Company?

MR. JACKSON: The two officials in the Royal Mint who held shares in "The Mint, Birmingham (Limited)," never held appointments under that company. and parted with their shares as soon as they were called upon to do so.

THE CASE OF MR. BERNARD DUNN.

MR. J. ROWLANDS: I beg to ask the Secretary of State for War if Mr. Bernard Dunn has been discharged from Woolwich Arsenal; whether he can state the reason for Mr. Dunn's dismissal; whether Mr. Dunn supplied a great deal of the information which enabled the Government to hold the inquiry in 1887 with regard to the "inspection and reception of leather, &c.;" and how many of the Inspectors and Viewers who were proved before the Judge Advocate General to have passed in bad material are still in Government employment, and how many of them have since been promoted?

MR. BRODRICK: Mr. Bernard Dunn was dismissed from the collarmakers' shop, Royal Dockyard, Woolwich, on March 29 last. The reasons for his dismissal were insubordination, he having published a pamphlet containing false statements about superior officers, and about the department in which he served. Dunn did give evidence before the Judge Advocate General as to the inspection and reception of leather, and his evidence was stated to have "more or less" corroborated that given by Mr. Moody, the principal complainant, who has since been promoted. No particular case was sustained against the Inspector or Viewer, and no man known to have passed in bad material has been promoted.

IRELAND—LORD MASSEREENE'S TENANTS.

MR. KNOX (Cavan, W.): I beg to ask the Chief Secretary for Ireland whether his attention has been called to an agreement alleged to have been made between Messrs. Emerson & Dudgeon, solicitors and emergency agents, and Lord Massereene, by which Messrs. Emerson & Dudgeon agreed to charge only costs out of pocket in the case of proceeding against tenants which were unsuccessful, and, in the case of proceedings which were successful, to look only to the tenants for payment, being equivalent to an agreement to indemnify a party to an action against the greater part of the ordinary costs of the action, not from charity, but with a view to profit, and a stipulation for payment of the full costs only in the event of success in the action and out of the sum to be recovered therein; whether Messrs. Emerson & Dudgeon, in making such an agreement and acting in accordance therewith, were guilty of champerty and maintenance; how many of Lord Massereene's tenants were proceeded against in the High Court at dates subsequent to the making of the agreement; whether, having regard to the large number of persons who have suffered, or who, owing to their poverty, are unable to avail themselves of their civil remedy, he will consider the advisability of resorting to the old Common Law process of indictment for champerty and maintenance; and whether he will call the attention of the Law Society to the matter?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I must ask the hon. Gentleman to defer the question.

THE BARONY CONSTABLE OF KERRY.

MR. KILBRIDE (Kerry, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland how much of the £2,484 5s. due by Arthur Hutchins, barony constable in Kerry, when he

ceased to hold that office, was collected, how much was collected in the baronies of Glanerought and South Dunkerron respectively, and for how much were the landlords, as occupiers or otherwise, and the tenants liable respectively; whether the amount of defalcations was reapplotted, and thus paid twice by the cesspayers; whether Stokes, one of Hutchins' sureties, was in receipt of retiring pension from Grand Jury, and for what amount; whether Grand Jury appropriated part of said pension to meet Hutchins' defalcations; whether he can state what was the nature of the proceedings instituted by the Grand Jury, on the advice of counsel, against Hutchins' securities for recovery of his defalcations; whether it is the intention of the Grand Jury to proceed to recover interest as well as principal from the sureties; and who was responsible for the fact that Hutchins was allowed to retain so much money in his possession in contravention of the Act of Parliament, 11 & 12 Vict. c. 32?

MR. A. J. BALFOUR: As already stated, I have no official knowledge in regard to the subject-matter of this question, which is not a matter under the control of the Government. The secretary to the Grand Jury, however, reports to the effect that—1. There are no means of ascertaining the information sought in the first paragraph; 2. The amount of defalcation has not been reapplotted, as it is hoped that it will be recovered from the sureties; 3. Mr. Stokes was in receipt of £400 a year retiring allowance; 4. 5. 6. The Solicitor to the Grand Jury reports that, acting on counsel's advice, they did not proceed for an attachment against Mr. Stokes' pension. The defalcation was at July Assizes, 1884. Judgment was entered up against Mr. Hutchins and each of his sureties on the 10th December following, and legal mortgages got in 1885. It is stated not to be practicable at present to realise the amount, mainly owing to the fact that the interest of one of the mortgagors is one expectant on the termination of a life now at 77 years. These mortgages, as a matter of course, bear interest. 7. I am not in a position to state whether or not responsibility attaches to any person for allowing the money collected to be retained in contravention of the Statute quoted.

Mr. Kilbride

MR. PERCY MAGAN, J.P.

MR. HAYDEN (Leitrim, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, with reference to the charge against Mr. Percy Magan, J.P., of having obtained money by false representations, made publicly nine months ago, and to the promise of Mr. Magan to the Land Commissioners immediately to forward an explanation, has Magan taken any steps towards its fulfilment; with reference to the statement that Magan's solicitor has died, would he ascertain the name of the solicitor, in what case in connection with the tenants named has he acted at Quarter Sessions or otherwise, and when he died; what length of additional time will the Land Commission give to Magan to make out his explanation, having regard to the fact that, with the lapse of time, proof of guilt may get more difficult; and whether, in the event of the Land Commission being of opinion that there is a *primâ facie* case on which Magan may be proceeded against for the recovery of the money alleged to have been fraudulently obtained, steps will be taken to bring the matter before the Lord Chancellor?

MR. A. J. BALFOUR: The matter is at present under consideration.

LABOURERS' COTTAGES.

MR. TUITE (Westmeath, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he can now state when the £40,000 to be allotted to Ireland for the erection of labourers' cottages will be apportioned among the different Poor Law Unions; and can he state the rule by which the contribution to each Union will be fixed; and, if so, what are the amounts to which the Mullingar and Delvin Unions will be entitled?

MR. A. J. BALFOUR: I must ask the hon. Gentleman to defer the question until the matter comes before the House in the ordinary course.

MR. SEXTON (Belfast, W.): When will the Supplementary Estimate be brought in?

MR. A. J. BALFOUR: Perhaps the hon. Gentleman will put that question to the Secretary to the Treasury at the end of the questions.

FALSE ARREST BY IRISH CONSTABLES.

MR. ROCHE (Galway, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Government intend to pay the expense of defending the constables against whom Mr. Fahy and Morrissey obtained decrees for £5 and £2 at last Quarter Sessions held at Gort for false arrest; also the cost of appeal which was heard before Judge O'Brien at Galway Assizes, he confirming the County Court Judge's decree, with costs; and whether he will state what course he will adopt in reference to the conduct of the constables?

MR. A. J. BALFOUR: The facts of the case are as follow:—Morrissey is a bad character who has been convicted of assaults on the police, of drunkenness, and of boycotting. Both he and Fahy are, on their own evidence, energetic agents of the Plan of Campaign in a district where that illegal conspiracy has been specially prolific in outrage. They were found together about 10 p.m., and it appears that Fahy was going home with Morrissey, whom the Chief Justice truly described as a bad character. They were arrested by the police under the Peace Preservation Act of 1881 of being illegally possessed of arms. Fahy, it appears, had a licence to carry arms; but he thought fit not to produce it, and the Chief Justice stated that he brought all the trouble that afterwards befel him upon himself. There can be no doubt that the police acted in *bonâ fide* discharge of their duty, and, therefore, their expenses will be paid.

MR. DILLON (Mayo, E.): May I ask whether the right hon. Gentleman is aware that an appeal was taken to the Galway Assizes, and that Mr. Justice O'Brien confirmed the decree of the County Court Judge, with costs against the police? Yet the right hon. Gentleman now states that the police acted strictly according to their duty.

MR. A. J. BALFOUR: I did not say the police acted rightly, but that they acted *bonâ fide*, and that the mistake was not of such a kind as would justify the Government placing the costs upon them.

MR. DILLON: Are we to understand that the police against whom decrees have been given for false arrest and imprisonment are not to be punished, but are to be defended in their action by the whole support of the Executive Government?

MR. A. J. BALFOUR: The hon. Gentleman is not to deduce any general rule. It must depend on the circumstances of the case. The Chief Justice positively refused the request of the solicitor for the plaintiffs to increase the amount of damages.

MR. SEXTON: Is the right hon. Gentleman aware that these men were arrested and detained in custody all night, and that no charge was made against them?

MR. A. J. BALFOUR: The charge upon which they were arrested was that of the illegal possession of arms.

MR. DILLON: These men were arrested on a charge of illegal carrying of arms, and were kept in gaol all night. Why did not the police search the men?

MR. A. J. BALFOUR: The police, under the Act in question, had no power of search.

PROSECUTIONS AT BANTRY.

MR. FLYNN (Cork, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if his attention has been called to the prosecutions at Bantry, on Tuesday, 22nd instant, in which nine men were sentenced by Captain Welch and Mr. Cecil Roche, Resident Magistrates, to one month's imprisonment each, at hard labour, and at the expiration of the month's imprisonment to find sureties for good behaviour for a further period of six months; is he aware that defendants' counsel applied the sentences should be increased, to enable the defendants to appeal, but the Magistrates refused the application, and that counsel thereupon asked the Magistrates to state a case for the Superior Courts, on the ground that the facts proved did not amount to an unlawful assembly, but this application was also refused; and, if the facts be as above stated, whether he will explain why the defendants' right of appeal was thus denied to them?

MR. A. J. BALFOUR: I believe that eight men were sentenced on the occasion referred to. The Magistrates proposed to deal leniently with the cases if the men would promise not to offend again, but this they refused to do.

MR. SEXTON: Is it not the invariable practice in the English Courts to grant

an appeal in the event of a prisoner desiring to have the case considered by a Superior Court?

MR. A. J. BALFOUR: I am under the impression that an appeal would not be granted as a matter of course.

MR. M'CARTAN (Down, S.): Every prisoner in England is entitled to an appeal under the Summary Jurisdiction Act. Will the right hon. Gentleman direct the Magistrates to increase the sentence, so as to afford an appeal?

MR. A. J. BALFOUR: I should not like to answer that question offhand, without notice.

LIGHTKEEPERS.

MR. SEXTON (Belfast, W.): I had intended to ask the President of the Board of Trade what period of leave is annually allowed to lightkeepers in Great Britain; whether the practice in Ireland is not to allow any leave; and if there is any sufficient reason why the Irish and British lightkeepers should not be treated alike in this respect. But I will postpone the question until to-morrow.

SOLICITORS' INDENTURE FEES.

MR. SEXTON: I beg to ask the Secretary to the Treasury whether, although in 1866 the Solicitors of Ireland were entirely separated from the Benchers, a sum of £14 in respect of each indenture of a Solicitor's apprentice has since been, and still is, appropriated by the Benchers; whether the sums so appropriated by the Benchers, from 1866 to the present time, amounts to £22,876; whether the body of Solicitors have derived any sort of advantage from this money; whether the Benchers have now accumulated to their credit a fund of over £50,000; whether a copy of the correspondence on this subject between the Incorporated Law Society of Ireland, the Benchers, and the Treasury, will be laid upon the Table; and whether the Government will take any steps to institute a reform of the system?

MR. JACKSON: A sum of £14 in respect of each indenture of a Solicitor's apprentice has been assigned since 1791, and still is assigned by Act of Parliament, to the Benchers. I am not aware what sum has been received by the Benchers since 1866, or how they have applied it. The case presented by the Incorporated Law Society of Ireland to the Treasury has been submitted to the Lord Chancellor of Ireland, and is now under his Lordship's consideration, and it does not appear necessary to lay the correspondence on the Table.

MR. SEXTON: When will a decision be announced?

MR. JACKSON: It does not rest with the Treasury, but I shall be happy to make inquiry.

DUBLIN PORT AND DOCKS BOARD.

MR. SEXTON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, at the meeting of the Dublin Port and Docks Board on the 19th ultimo, Alderman Kiernan, who attended as the duly constituted *locum tenens* for the Lord Mayor of Dublin, a Member of the Board, was obliged by the majority of the members to retire without taking part in the business of the meeting, although he produced his letter of appointment?

MR. A. J. BALFOUR: I have no information. The proceedings of the Dublin Port and Docks Board do not come under the cognisance of the Government.

MR. SEXTON: Is not the Docks Board nominated by the Corporation of Dublin?

MR. A. J. BALFOUR: I do not know that that is so. I believe it is constituted under a local Act.

THE IRISH POLICE AND EVICTED FARMS.

MR. FINUCANE (Limerick, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether Mrs. Mullally, who was evicted from her holding on the Modeshill property, Mullinahone, County Tipperary, about three years ago, was re-instated about four months since at a rent fixed by arbitration; whether her house has been and is occupied by policemen since her eviction, who have refused to leave though often asked by Mr. Hartford, the agent; whether he is aware that Mrs. Mullally's farm is about three miles from her present residence, to which she is obliged to bring the milk of her dairy cattle twice a day; and whether, as the object of the Government in sending policemen to the Modeshill Estate was to protect the emergency men who were herding 30 evicted farms, to which all

the former tenants have been restored, the policemen will now be ordered to leave immediately?

MR. A. J. BALFOUR: The Constabulary Authorities report that the evicted tenant referred to was re-instated about 10 weeks ago. The house has been occupied as a temporary police barrack, under agreement, since 13th December, 1889. Possession does not appear to have been ever demanded by Mr. Hartford. The tenant's present residence is three miles from the farm, but it is not the case that she has cattle on the farm, nor does she carry milk to and from it daily. The caretakers were caring not 30 but 20 evicted farms. Consequent upon the former tenants being re-instated necessity no longer exists for affording personal protection to the caretakers, and steps are accordingly being taken to abolish the temporary police station in question.

EMERGENCY MEN.

MR. FINUCANE: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether on 23rd July two emergency caretakers, named respectively Johnston and Thompson, were fined five shillings at New Pallas Petty Sessions, County Limerick, by Major Roleston, R.M., for firing four revolver shots in the village of Pallas on 5th July; and whether these men had a licence to have and carry arms; and, if so, will their licences be revoked?

Mr. A. J. BALFOUR: It is the case that the two men referred to were fined as stated in the question. The matter of revoking their licences is at present under consideration.

EVICTION OF TENANTS ON THE COAST OF CORK.

MR. DILLON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Government intend to supply Mr. Marmion with a gunboat or with the boats of the Coastguard to aid him in evicting tenants on the Middle Calf or West Calf Islands, off the West Coast of Cork?

MR. A. J. BALFOUR: No such application has been made so far to the Government. A gun might be given to enable the Sheriff to carry out a decree, but it would not be lent to a landlord for eviction purposes.

MR. E. HARRINGTON (Kerry, W.): Will the Government employ gunboats in protecting the Irish fisheries?

MR. A. J. BALFOUR: I am not able to answer that question.

MR. FLYNN: Are the Government bound to provide gunboats for the Sheriffs in order to enable the Sheriff's officers to visit remote islands, and in that case would it not be right to make the landlord pay the expenses?

MR. A. J. BALFOUR: I should be sorry to lay down any general principle without having time to inquire into the matter.

MR. JUSTICE HARRISON.

MR. A. J. BALFOUR: In reference to the notice of Motion which has been given by the hon. Member for East Mayo (Mr. Dillon), I wish to read the following letter which I have received from Mr. Justice Harrison:—

"Newtown Park House, Blackrock, County Dublin, July 26.

"Sir,—I observe in the report of yesterday's proceedings in the House of Commons that Mr. Dillon gave notice of a Motion impugning my conduct and the language of the charge recently delivered by me at the Galway Assizes. Of the terms of that notice I am not as yet aware, but, whatever be its character, I have no reason to shrink from Parliamentary inquiry into this or any other action of mine as a Judge of the High Court in Ireland. The meaning in which I used the words to which exception has been taken—a meaning which I believe was placed upon them by those who heard them—has been fully explained in my letter to you of the 23rd inst. To this explanation I can add nothing. It is to me a matter of deep regret that an error, even though it be only an error in language, should lay my observations open to a construction which assuredly was as remote from my thoughts when I spoke as it is in contradiction to every principle of law which for almost 22 years I have endeavoured to lay down from the Bench. I think I may say with confidence that no member, either of the Bench or Bar, would for a moment entertain the idea that I had directly or indirectly advocated the use of illegal methods for the redress of private wrongs, however intolerable those wrongs might be, and if among the general public there be (as I think there are not) any who hold a contrary opinion, I trust this letter, which I authorise you to use in any manner which you think right, may dissipate an impression not less unjust to me than injurious to the administration of justice.

"I remain, Sir,

"Your obedient servant,

"MICHL. HARRISON."

MR. DILLON: I think the opportunity is favourable for asking the

leader of the House when I shall be able to bring forward my Motion on this important subject. I may mention that the construction which I put on the learned Judge's charge has been put upon it by several newspapers in Ireland which advise that it should be carried out by the people of Eastern Galway.

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): While thinking that the question should come most appropriately from my hon. Friend, in the absence of any one else, I shall be glad to put the question to the right hon. Gentleman.

*MR. W. H. SMITH: I am exceedingly sorry to be compelled to refuse anything in the shape of a request from the right hon. Gentleman, who has had such great experience in the practice of this House. I do not think I should be doing justice to the House or to the learned Judge if I were to afford the opportunity which the hon. Member now desires after the full and complete explanation which has been given. I have referred to precedents, and I find that a Motion was made in 1834 impugning the conduct of Mr. Baron Smith, and a Committee was granted; but immediately after it was granted Sir R. Peel rose in his place in the House, and moved to rescind the Motion on the ground that—

"To appoint a Committee was evading the law, which required an Address from both Houses of Parliament to authorise the removal of a Judge; because if that Judge were a man of honour, and if the House implied the slightest censure against him, his own sense of propriety would tell him that he could no longer remain effective as a Judge."—(*Hansard*, Third Series, vol. xxi., p. 745.)

I am of opinion, and I say it with great respect to the hon. Gentleman and the right hon. Gentleman, that the learned Judge has given a full explanation, and that if a Committee were appointed, as the hon. Gentleman desires, to inquire into the conduct of the learned Judge, and into the step which should be taken by this House, those consequences must follow which Sir R. Peel indicated in 1834. I cannot think it possible that the House would appoint or entertain the Motion of the hon. Gentleman, after the full and complete explanation which has been given. I think, therefore, I must ask the hon. Gentleman, if he desires to persevere, to find for himself an opportunity at a later period of the Session, as I should not feel justified in interrupting the business of the House.

MR. DILLON: I am astonished at the answer of the right hon. Gentleman, who has made a reply of a very argumentative character. In my opinion, and in that of many others, the learned Judge has given no explanation whatever. On the contrary, the learned Judge has accepted the language imputed to him, and has simply said that the interpretation put upon it is not that which I have put upon it in this House, and which is put upon it also by the great mass of the Irish people. I think I have an indefeasible claim to bring this question to a discussion. The right hon. Gentleman has quoted the opinion of Sir R. Peel, but he forgot to quote the opinion of Lord Althorp, of Lord J. Russell, of Lord Palmerston, and of the Irish Secretary, Mr. Littleton, on the other side. Under these circumstances, and with these precedents, I am entitled to ask the right hon. Gentleman to reconsider his decision. The right hon. Gentleman knows perfectly well that it is impossible for us to bring this question to an issue without the co-operation of the Government, and that a refusal to grant me the permission, without which I cannot bring the subject to a discussion, amounts to an inducement to Irish Judges of that character to use what language they choose.

MR. W. E. GLADSTONE: Allow me to point out, in supporting this appeal for re-consideration, that there is this additional reason for it: that since the question was addressed to the right hon. Gentleman he has not merely refused the application, but he has made a speech in which he has given, as he thinks, conclusive reasons against it. That is a position in which any fair-minded person would not leave the question.

*MR. W. H. SMITH: I did not make any speech, but I thought it only courteous to the hon. Gentleman and to the right hon. Gentleman to give some explanation. The House is in possession of the whole of the facts which by any possibility could be elicited.

*MR. LEVESON-GOWER (Stoke-upon-Trent), who was received with loud and repeated cries of "Order," asked to be allowed to point out that the learned

Judge had himself admitted that he had used the language, and courted an inquiry.

THE REVOLUTION AT BUENOS AYRES.

MR. J. MACLEAN: I beg to ask the Under Secretary for Foreign Affairs a question of which I have given him private notice—whether he can give the House any information as to the revolution at Buenos Ayres?

*SIR J. FERGUSSON: I do not know that I can add anything to what has previously appeared in the public papers, but this telegram was received to-day. It is dated Buenos Ayres, 6.45 p.m., July 27:—

"Revolution still proceeding. Heavy firing this morning. Four men-of-war declared for insurgents, and bombarded position belonging to Government troops. President left Buenos Ayres yesterday. Vice President remains Hostilities have temporarily ceased, armistice until 10 to-morrow morning having been agreed to. Her Majesty's ships *Beagle* and *Bramble* here. Town tolerably quiet for the moment."

CHARGES AGAINST MINISTERS.

MR. E. ROBERTSON (Dundee): I beg to ask the right hon. Gentleman the Member for Mid Lothian (Mr. Gladstone) what he intends to do with respect to the Motion which stands on the Paper in his name under the head "Charges against Ministers"? [The Motion was as follows:—

"That this House deems it necessary to declare that when a Member of this House prefers a charge against a Minister of the Crown, which charge is denied on behalf of the Minister, such Member ought not to be restrained from refusing to accept such denial and persisting in his charge by reason that the Minister is a Member of the House of Lords."]

MR. W. E. GLADSTONE: With respect to this notice, which has remained on the Paper longer than I intended, I have to say that the notice was given under the impression that there was some difference of opinion on the subject, which it would be desirable to clear up. A subsequent communication left upon my mind very distinctly the conviction that there is no difference on the subject, and that being so I desire to withdraw the Motion.

MR. E. ROBERTSON: In consequence of the answer of the right hon. Gentleman, I beg to give notice that I will move—

"That, in the opinion of this House, the Rules of Debate ought not to discriminate (except so far as is now the practice with regard to proceedings in the House of Lords) between Peers and other persons not being Members of this House."

In a day or two I will ask whether the First Lord of the Treasury will be disposed to state what view Her Majesty's Government may take on the subject.

BUSINESS OF THE HOUSE.

MR. SEXTON: When will the Supplementary Estimates be brought on?

MR. JACKSON: In the course of a day or two.

MR. BRYCE: Can the First Lord of the Treasury name a day for taking the Foreign Office Vote?

*MR. W. H. SMITH: I am sorry to say that I am unable to do so at present.

MR. W. A. MACDONALD: Will the Irish Census Bill be taken to-night, and will the right hon. Gentleman indicate an hour after which it will not be taken?

MR. HANBURY: Is it intended to take the Committee on the Scotch Police Bill before the Report stage on the English measure?

*CAPTAIN VERNEY (Bucks, N.): Can the right hon. Gentleman hold out any hope as to when the Navy Estimates will be taken. And will an opportunity be then afforded for the discussion of the Report of the Royal Commission from a Naval point of view?

MR. ESSLEMONT: And when will the Committee on the Education of the Blind and Deaf Mute Children (Scotland) Bill be taken?

*MR. W. H. SMITH: The Irish Census Bill will not be taken this evening, unless we get through the Local Taxation Bill before 11 o'clock. The Education of the Blind and Deaf Mute Children Bill will not be taken to-day, and I am unable to say when it will. In regard to the Scotch Police Bill, I am afraid we must adhere to the Order of Business as it is now laid down. We propose to proceed with the English Bill first, and then to take the Scotch measure. As to the Navy Estimates, I hope it will be in our power to reach them early. The Post Office Estimates and the Foreign Office Vote will be taken first, and then we propose to proceed with the Navy Estimates.

DACOITY IN BURMA.

SIR W. LAWSON (Cumberland, Cockermouth) : I beg to ask the Under Secretary for India as to statements which appear in the newspapers this morning, that a certain dacoit taken in Burma had been promised that if he surrendered he would not be executed, but, notwithstanding that promise, he is now to be executed by the authorities. Is there any truth in the statement?

SIR J. GORST: I must ask for notice of the question.

SIR W. LAWSON : I hope the right hon. Gentleman will promptly inquire into it.

THE ANGLO-GERMAN AGREEMENT BILL—A PERSONAL EXPLANATION.

MR. W. E. GLADSTONE : I ask permission of the House to make a short personal explanation as to an incident which appears to have occurred in the Debate on the Heligoland Bill on Thursday, when I was not in the House, and which affects me personally. I am glad to see that the Attorney General has just entered the House, because, although I have no reflection to make upon him, he is concerned in the statement I have to make. I, having contended very strongly in that Debate that the question of cession lay entirely with the Crown, the hon. and learned Gentleman is reported to have made a citation from an answer made by me to a question in 1870, put to me by Sir John Hay, as to the cession of Gambia. I replied that, according to my belief and impression, the Crown had no power to make that cession. I was not surprised to see in the report that the statement drew forth loud cheers. It would have been most disrespectful to the House if I, having made such a contention, had passed over the fact that I had declared a contrary opinion. The fact is, that the hon. and learned Gentleman is entirely mistaken. He cited a portion of the question put to me by Sir John Hay, not the whole of it.

*THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight) : I beg the right hon. Gentleman's pardon; I read the whole of it.

MR. W. E. GLADSTONE; I think that the hon. and learned Member was not reported as having read the whole of it, but I am glad to hear that he did. He supposed that my statement about the power of the Crown related to the cession of Gambia. But Sir John Hay's question referred to two matters, and not one. It did include the question of cession, but it likewise included an arrangement with France, giving to France the great arterial communication with Africa—that is to say, making an arrangement with France which would have been compulsory, as I understood, on the subjects of Her Majesty with regard to territory which was no part of the territory of the Queen. As to the right of cession, I may observe that in 1843 and 1854 and 1863 I had, as a Cabinet Minister, been a party in two cases to direct cession by the Crown, and in the third case to the cession of a Protectorate of the Ionian Islands, which included many of the same elements, but had no reference at all to the question of cession. The answer I made, and the declaration of my belief and impression, that the Queen did not possess the power had reference exclusively to that portion of Sir John Hay's question which referred to territory not within the dominions of Her Majesty. I quite understand that the hon. and learned Member may have felt that that part of the question was immaterial, but whether it was, or not, it was to that question I replied—Sir John Hay's question embraced both points—that I did not believe such an arrangement could be made without the assent of Parliament, because it contained one portion to which the Crown could not give effect without the assent of Parliament. It was, perhaps, bold of me to give that opinion. but the reason was that I had been studying an important qutstion of the same kind with regard to the Hudson's Bay Company's charter, which was a charter granting rights to British subjects outside the British dominions; and I had arrived at a very strong conviction that such a right was not in the power of the Crown. It was to that I referred in the answer I gave.

*SIR R. WEBSTER : I claim permission to explain to the House how the matter stands. The House is aware that Her Majesty's Government had not the slightest notice, direct or indirect, that the question was going to be raised. I obtained by accident, by

communication with the Foreign Office, after the right hon. Gentleman's speech, information which led me to suppose that the question had been raised in connection with Gambia; and without going further than I am entitled to do—I will show the right hon. Gentleman the Papers, if he desires to see them—I was perfectly justified in coming to the conclusion that the question had been raised and discussed distinctly with reference to Gambia. After the right hon. Gentleman had left the House I had no means of communicating with him, and having to reply to the right hon. Member for Derby I, with the assistance of the Solicitor General, found out this reference in *Hansard*. I will read the question and the answer as I read them the other night; and although I accept, as I am bound to do, the explanation given by the right hon. Gentleman, as to what he had in his mind, there is not a single word in that Report which could possibly lead any one to the conclusion which he now asks the House to come to. Let the House be the judge. Neither am I aware of any Report that puts upon the question and the answer the construction, which I understand the right hon. Gentleman wishes it to bear. The first question was put by Mr. Robert Fowler (now Sir R. Fowler) to Mr. Monsell, who was then the Under Secretary for the Colonies—

"West Coast of Africa—The Gambia Question.

"Mr. R. Fowler said he wished to ask the Under Secretary of State for Foreign Affairs whether it is true that negotiations have taken place with the view of the transfer of the settlement of the Gambia to the Emperor of the French.

"Mr. Monsell: In answer to the question of the hon. Gentleman, I beg to inform him that communications have passed between Her Majesty's Government and the Government of France, having for their object the determining the limit of English and French influence on the West Coast of Africa, and that the transfer of Gambia to France is one of the steps under consideration as part of that arrangement. It may be well to state that in 1868 the European population in Gambia numbered 39 males and eight females.

"Afterwards—

"Sir John Hay said he would beg to ask the head of the Government whether it is possible that the settlement of Gambia and the great arterial communication of Africa can be conveyed to France without the consent of Parliament.

"Mr. Gladstone said that though he was taken by surprise by this question being put, still he might say that his impression was that such an arrangement could not be carried out without the consent of Parliament. He could not answer positively, but that was his impression and belief.

"A little later in the afternoon the right hon. Gentleman added that what he had already said had reference to the power of the Government—to the question whether there was power in the Government or not. He added that there never had been the slightest intention of taking any proceedings of the kind without the consent of Parliament."

I have read every word, and I am perfectly certain that no one reading that answer could possibly come to the conclusion that the right hon. Gentleman, in answering the question, specifically referred to the great arterial communication of Africa, and had not referred to the cession of Gambia. The question is distinct; there is no reservation in the question, and the answer is categorical. Of course, I was not in the House in the year 1870, but I went to the only possible authority, and I read verbatim the other night the Report from *Hansard*. If the right hon. Gentleman wishes it I shall be glad to show him privately the document to which I have referred.

MR. W. E. GLADSTONE: Of course, I make no charge against the hon. and learned Gentleman. I by no means undertake to say, for I do not recollect, what exactly may have taken place in the Colonial Office or the Foreign Office; but the hon. and learned Gentleman argues very illegitimately that my answer must be taken as referring to everything that Sir John Hay's question contained. No; Sir John Hay asked whether Her Majesty's Government intended to do two things, one within the power, and the other entirely beyond the power, of the Crown. I answered that no such step could be taken without the consent of Parliament, having reference to that which was beyond the power of the Crown.

INFECTIOUS DISEASE (PREVENTION) BILL.—(No. 390.)

Lords Amendments to be considered forthwith; considered, and agreed to.

EAST INDIA (CASE OF THREE MEDICAL OFFICERS).

Address for—

"Copies of, or Extracts from, Correspondence relating to the case of three Assistant Surgeons dismissed from the Bengal Establishment."—(*Mr. Bradlaugh.*)

DIVISIONS OF THE HOUSE.

Return ordered—

"Of the number of Divisions of the House in the Session of 1890, stating the subject of the Division, and the number of Members in the majority and minority, Tellers included; also the aggregate number in the House on each Division; distinguishing the Divisions on Public Business from Private; and, also, the number of Divisions before and after midnight (in continuation of Parliamentary Paper, No. 0.141, of Session 1889)."—(*Sir Charles Forster.*)

PUBLIC PETITIONS.

Return ordered—

"Of the number of Public Petitions presented and printed in the Session of 1890, with the total number of signatures in that year (in continuation of Parliamentary Paper, No. 0.136, of Session 1889).'—(*Sir Charles Forster.*)

SELECT COMMITTEES.

Return ordered—

"Of the number of Select Committees appointed in the Session of 1890, including the Standing Committees and the Court of Referees; the subjects of inquiry; the names of the Members appointed to serve on each, and of the Chairman of each; the number of days each Committee met, and the number of days each Member attended; the total expense of the attendance of witnesses at each Select Committee, and the name of the Member who moved for such Committee; also, the total number of Members who served on Select Committees in continuation of Parliamentary Paper, No. 0.132, of Session 1889)."—(*Sir Charles Forster.*)

SITTINGS OF THE HOUSE.

Return ordered—

"Of the number of days on which the House sat in the Session of 1890, stating, for each day, the date of the month, the day of the week, the hour of the meeting, and the hour of adjournment; and the total number of hours occupied in the Sittings of the House, and the average time; and showing the number of hours on which the House sat each day, and the number of hours after midnight; and the number of entries in each day's Votes and Proceedings (in continuation of Parliamentary Paper, No. 0.134, of Session, 1889)."—(*Sir Charles Forster.*)

PUBLIC BILLS.

Return ordered—

"Of the number of Public Bills distinguishing Government from other Bills, introduced into this House, or brought from the House of Lords, during the Session of 1890; showing the number which received the Royal Assent; the the number which were passed by this House but not by the House of Lords; the number passed by the House of Lords but not by this House; and distinguishing the stages at which such Bills as did not receive the Royal Assent were dropped or postponed and rejected in either House of Parliament (in continuation of Parliamentary Paper, No. 0. 135, of Session 1889)."—(*Sir Charles Forster.*)

PRIVATE BILLS.

Returns ordered—

"Of the number of Private Bills introduced and brought from the House of Lords, and of Acts passed in the Session of 1890, classed according to the following subjects:—Railways; Tramways; Tramroads; Subways; Canals and Navigations; Roads and Bridges; Water; Gas and Water; Lighting and Improvement; Police and Sanitary Regulations; Corporations, &c. (not relating to Police and Sanitary Regulations or to Lighting and Improvement Schemes); Ports, Piers, Harbours, and Docks; Churches, Chapels, and Burying Grounds; Inclosure and Drainage; Estate; Divorce; and Miscellaneous."

"Of all the Private Bills, and Bills for confirming Provisional Orders, which, in the Session of 1890, have been treated as Opposed Bills; specifying those which have been classified in Groups by the Committee of Selection, or by the General Committee on Railway and Canal Bills; together with the names of the Selected Members who served on each Committee; the first and also the last day of the sitting of each Committee; the number of days on which each Committee sat; the number of days on which each Selected Member has served; the Bills the preambles of which were reported to have been proved; the Bills the preambles of which were reported to have been not proved; and in the case of Bills for confirming Provisional Orders, whether the Provisional Orders ought or ought not to be confirmed; the Bills referred back to the Committee of Selection, or to the General Committee on Railway and Canal Bills, as having become unopposed, and the Bills withdrawn, or not proceeded with by the parties."

"And of all Private Bills, which, in the Session of 1890, have been referred by the Committee of Selection, or by the General Committee on Railway and Canal Bills, to the Chairman of the Committee of Ways and Means, together with the names of the Members who served on each Committee; the number of days on which each Committee sat; and the number of days on which each Member attended (in continuation of Parliamentary Paper, No. 0.131, of Session 1889)."—(*Sir Charles Forster.*)

COLONISATION.

Ordered—

"That the Report of the Committee on Deer Forests, 1883, and the Report of Her Majesty's Commissioners to inquire into the condition of the Crofters and Cottars in the Highlands and Islands of Scotland, 1884, be referred to the Select Committee on Colonisation."—(*Sir James Fergusson.*)

MESSAGE FROM THE LORDS.

That they have agreed to,—Poor Law (Ireland) Rating Bill, Pauper Lunatic Asylums (Ireland) (Officers' Superannuation) Bill, Birstall Wesleyan Chapel Trust Scheme Confirmation Bill, without Amendment.

CITY OF PARIS.

That they do communicate Copy of Report of the Inquiry into the causes of the accident which recently happened to the passenger ship *City of Paris*, as desired by this House.

ORDERS OF THE DAY.

ANGLO-GERMAN AGREEMENT BILL [LORDS].—(No. 393.)

COMMITTEE.

Considered in Committee.

(In the Committee.)

Clause 1.

(4.45.) MR. MACNEILL (Donegal, S.): I desire to move an Amendment to provide that the proposed cession of Heligoland shall be subject to the consent of a majority of the male inhabitants of the island, such consent to be obtained in the manner hereinafter described. As long as I have the honour of a seat in this House I shall do my best to protect the interests of the people. The cession of this island may be a small thing; of course, we know only 2,000 souls live on it; but, so far as we know, the cession has been rashly agreed to, and in no way—either directly or indirectly—has the consent of the inhabitants been asked. The island has been in our possession 83 years; three generations of the inhabitants have been loyal to us, and yet this cession was made in a rash and hasty manner, without their feelings being consulted. So recently as the 2nd June a Cabinet Minister pronounced against the cession, yet on the 1st July we have the Agreement produced. I look on this as a matter of vital importance, and I warn the Government that one result will be to excite a dangerous feeling in the colonies if you once let it be supposed that they are held simply for the benefit of a class or a Minister in England. We are in the position of Trustees to these islanders, and we have no right to do anything which is not for their benefit. I think there were ample means of obtaining a fair index of the opinions of the people, as they have for four or five years had a Constitutional Government. On the occasion of the cession of the Ionian Islands the opinions of the people were consulted. I beg to move the Amendment which stands in my name.

Amendment proposed, in page 1, line 14, before the first word "the," to insert the words "subject to the consent of the majority of the male inhabitants of Heligoland as hereinafter provided."—(*Mr. Mac Neill.*)

Question proposed, "That those words be there inserted."

*(4.53.) THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): It has been admitted from the first that the people of Heligoland were not formally consulted. It would be extremely difficult, if not practically impossible, to submit for the decision of the inhabitants a great Agreement with the German Empire, of which the cession of Heligoland is an essential part, and the Government cannot assent to the Amendment. The Constitutional Government to which the hon. Member has referred consisted of a Governor, assisted by a Council of paid officials.

MR. MACNEILL: Yes, I know that a few years since the island was made a Crown Colony.

*SIR J. FERGUSSON: Well, we could not set up a new constitution *ad hoc*. The hon. Member also said something in the nature of a general proposition as to the action of the Government towards the colonies being entirely dependent on the necessities of the moment. But I laid down no such general rule. As cases arise they must be judged upon their merits. We cannot accept this Amendment, because

it is utterly impossible for Her Majesty's Government to consent to any modification of the terms of the Bill, which is destined, I hope, to be productive of great good to the British Empire.

*(4.56.) MR. CHANNING (Northampton): I think my hon. Friend was amply justified in moving the Amendment, because the Debate on the Second Reading hardly touched the great constitutional question whether the inhabitants of any portion of the Empire can or ought to be handed over to another Power without some consultation of their wishes. It is quite absurd of the right hon. Gentleman to contend that this proposal would mean referring the whole Agreement to the inhabitants of Heligoland. It does not follow that, as a result of the consultation, the views of the majority should determine the policy of the Empire, but that they should be heard before their destiny is decided. The case of the Ionian Islands has been referred to as constituting a precedent. That was merely the cession of a Protectorate, and not a cession of territory. But that only makes the argument stronger. What was Lord Palmerston's answer when questioned on the course to be taken as to the Ionian Islands? He said that the first thing to do was to ascertain the wishes of the inhabitants, and the next thing was to obtain the consent of the other parties to the Treaty. When it was asked how the wishes of the people were to be ascertained, Mr. Chichester Fortescue said the obvious course was to have a new Parliament elected in the Ionian Islands and to refer the question to that Parliament by proclamation. In regard to the Island of Heligoland, we have seen exactly the opposite policy adopted. Obviously, the Prime Minister considers these people of no consequence whatever, except as mere objects of barter, in order to purchase certain privileges in Africa. This question is mixed up with other questions that I may not, perhaps, be free to discuss on this Vote, but I do urge on the House the necessity of recognising this great and noble tradition of Great Britain in dealing with populations under our rule. I look on this Bill as one of the cardinal errors of Her Majesty's Government in their foreign policy, and I regard it in that light on wider Imperial grounds besides this simple ground to which my hon. Friend has referred. But this ground touches the traditions and constitutional order of proceeding of Great Britain in parting with subjects under her rule in a way so important, and raises so serious an issue that I sincerely hope the hon. Member will proceed to a Division.

(5.4.) MR. W. A. MCARTHUR (Cornwall, Mid, St. Austell): I do not know whether it is of any use to further protest against this arrangement. We, at any rate, have cleared our consciences of what we consider the shame of this barter of British subjects, for all we know, against their will. But the speech of the right hon. Gentleman the Under Secretary for Foreign Affairs opens up a vista of still further cases of this kind, for he has told us that each case as it arises will be treated on its merits. I must say our opposition would be very different—would, in fact, be one of strenuous resistance and obstruction—if we thought the case of the cession of Heligoland was to be made a precedent; and if we thought that this Government had any idea of making other changes of this kind in order to conciliate other powers than Germany, I can understand that the case of Heligoland is a case quite by itself—that it is unique—but if there was any idea of proceeding on this policy for the sake of making things pleasant for our diplomacy in Europe, I confess our feelings as to this Bill would be completely changed. I would ask an explanation from the right hon. Gentleman of that ominous sentence to which I have referred, namely, that all cases as they arise will be treated on their merits.

(5.7.) MR. ATKINSON (Boston): I see no shame whatever in what has been proposed in connection with these people, but, on the contrary, I think it is a proposition which recommends itself to all who understand it. I may say that if I had been in the House the other night I should have voted for the proposal of the hon. Member for the St. Austell Division, not on the ground he put forward, but on the ground that I always expected that partition of the British Empire if it came at all would come from the hon. Member and his Party. I intended to vote against the present Government doing it, as I know very well that if the hon. Member and

his Party came into power they might propose to give up Gibraltar, Malta, and a few other inconsiderable portions of the Empire. That would be "shameful." I see no shame in giving up Heligoland. I have been 30 or 40 years connected with shipping in Hull, which port has done the greatest business with the Elbe——

THE CHAIRMAN: The question before the Committee is not the cession of Heligoland, but as to requiring the consent of the inhabitants.

MR. ATKINSON: I went into this simply because the hon. Member opposite was allowed to do so. I would call attention to paragraph No. 4 of the Treaty.

THE CHAIRMAN: There is an Amendment before the House, and that must be first disposed of.

MR. ATKINSON: Very well, Sir. Then I will sit still until the proper time arrives.

(5.9.) SIR G. CAMPBELL (Kirkcaldy, &c.): I may say I voted for the Bill, but no one has taken more strongly than I have the view that populations ought not to be voted over to alien powers like so many sheep. The present is a peculiar case, however. Provision is made for the inhabitants of the island, and we have reason to believe that opinion is not unanimous, or, at least, that it is divided, on the subject, and that there is no general resistance to the proposal on the part of the inhabitants. I do not agree that a *plébiscite* should be taken, and that the majority should decide; neither do I regard the Agreement as handing over the island to an alien power. Formerly the island belonged to Schleswig, and it will again form part of Schleswig. It was only occupied by this country for military purposes, and to take a *plébiscite* here would hamper the Government in its dealings with other places only occupied for military purposes. Gibraltar is nothing more than a nest of smugglers, who make a living by getting contraband goods into Spain. I do not think we should take a *plébiscite* in a place like that. An enterprising newspaper, which I do not admire, despatched a Commissioneress to Heligoland to obtain the views of the inhabitants. From the boatmen, who form the majority of the inhabitants, the Commissioneress learnt that they are opposed to the transfer of the island to Germany, because they fear Germany will make a steamboat pier and a way to the bathing island, which will deprive them of the charge of 1s. per head they make for every passenger landed in the island. I must say that a consideration of this kind does not form a sufficient reason why England should retain possession of an island which it is inconvenient she should keep.

*(5.14.) MR. CHANNING: As the hon. Member has not proposed a practical method of obtaining the opinion of the people of Heligoland, I would suggest that the Government might very well have sent the amiable and accomplished Under Secretary for the Colonies or some other Delegate acquainted with the language to visit Heligoland, in order to ascertain the feelings of the inhabitants. His recent expression of opinion would have given them confidence in stating their views. The hon. Member for Northampton (Mr. Labouchere) the other night reminded us that during the Franco-German War the Heligolanders declared that they did not wish to do an ill turn to Germany. That was perfectly natural, seeing that the islanders depended then just as they do now on German visitors for their livelihood. However, in reply to the argument of the senior Member for Northampton, I would point to a letter written to the *Times* in 1876 by a Prussian, who stated that he had been some years in Heligoland, and that, while sympathising with the desire of his countrymen to possess the island, there was not the remotest desire on the part of the islanders to leave English for German rule, and that this absence of sympathy with Germany was proved in the Wars of 1866 and 1871. It is obvious, therefore, that the Heligolanders dislike the transfer. Only a year or two ago they got the Governor to pass a law preventing the Germans from acquiring the land in Heligoland. Their whole wish is to continue free.

*(5.18.) MR. PICTON (Leicester): Although there may be only 2,000 inhabitants in Heligoland, they are human beings, and human beings, whatever their numbers, have individual rights. You may do as much wrong by ignoring the rights of a dozen people as you could by ignoring the rights of a thousand. I do not think numbers should form an

element of consideration. We have heard how some of our leading statesmen have held that the transfer of British subjects to an alien Power should not take place without the consent of the people affected, and I would remind the Committee that we have even the example of foreign countries to guide us in this matter. In the case of the transfer of Savoy to France, a *plébiscite* of the inhabitants was taken, and I very much regret that in the present case Her Majesty's Government have acted contrary to that principle. I do not wish to prolong the discussion, but having voted for the cession of Heligoland on a former occasion, I wish to explain how it is that I shall vote for this Amendment now.

(5.20.) DR. TANNER (Cork Co., Mid): If my hon. Friend goes to a Division in this matter I shall certainly follow him into the Lobby. If the Government wish to be at all fair I think they have an opportunity open to them in connection with this Amendment. It would certainly go far to satisfy my mind if the hon. Gentleman could satisfactorily answer this question: Is it a fact that one of the reasons why Heligoland is to be given up is that, in the event of a war with Germany, Great Britain would not be able to protect the island? If that is the case it would be better to give Heligoland up, and so perhaps save the people from the horrors of war. It seems to me to be a bad mess altogether. It is a case of swop. The Heligolanders have certainly got the worst of it, and some concession ought to be made to their feelings.

(5.23.) MR. LABOUCHERE (Northampton): I think it very doubtful whether we ought to make this agreement dependent upon the assent of the Heligolanders. Heligoland did certainly form part of Germany. [*Cries of* "Denmark."] Hon. Gentlemen do not seem to remember that there was a union between Holstein, Schleswig, and Denmark. Schleswig, with the full assent of its people, is now a portion of Germany. I really do not see why, in the case of a great Treaty like this, the people should be consulted, or why they should wish to remain British when they are only British by conquest. If they are not a very contemptible set of people, they will certainly wish again to become Germans. We have been told that Mr. This and Mr. That have gone over to Heligoland and whispered to some of the people, and have learnt that they are ready to die rather than desert the British flag. I attach no importance to that sort of thing. If a man's patriotism is of such a character that he dare not come forward and state his views, because he is afraid if he does so he will be unable to let his lodgings to Germans, I do not think we need pay much attention to what he says. I believe these people will be much happier as Germans than as Englishmen. The newspapers tell us that land in Heligoland is going up considerably in price in consequence of this agreement. I have no doubt the people will be able to let their lodgings, or sell their land.

An hon. MEMBER: And go away.

MR. LABOUCHERE: No; they need not go away. They will take in lodgers. They will stay and prey upon those lodgers. Germany could in a moment oblige these people to declare that they are in favour of belonging to Germany by simply boycotting the island, and declaring they are not going to it in summer. The island absolutely depends on summer visitors there, the fishing amounting really to nothing. These people understand how their bread is buttered. They were afraid at first they would have to pay higher taxes, or be subject to conscription. Directly it became clear to them that neither of these things would happen, as far as I can gather from the public press, and the statements of the right hon. Gentleman the Under Secretary for Foreign Affairs, they became anxious to join the German Fatherland. In point of fact, during the Debate on the Second Reading, I cited a very interesting document signed by these British patriots in 1871, in which they declared they would not supply pilots to the French fleet, and said their sympathies were German.

(5.28.) SIR W. LAWSON (Cumberland, Cockermouth): The answer to my hon. Friend is this. If these people are so full of sympathy for Germany, why not let them say so?

MR. W. A. M'ARTHUR: I hope the right hon. Gentleman will reply to the question I put to him.

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): Surely the hon. Gentleman cannot suppose that there is any intention on the part of Her Majesty's Government to cede any other British possessions?

(5.29.) MR. W. A. M'ARTHUR: I supposed it possible, because to-night for the first time it has been laid down as a principle that cessions of territory are to be made. We have previously been told that the cession of Heligoland was an exceptional thing.

*SIR J. FERGUSSON: I was asked whether the principle was to be of universal application, and I said no one ever heard of a British Colony wishing to be separated, but that every case must be dealt with on its merits.

MR. MACNEILL: Most distinctly these people wished to remain with us, and a more shameful betrayal of the rights of people who have been associated with the British Empire for years can scarcely be recorded. It is not the less a shameful instance because a small one.

DR. CLARK (Caithness): I do not support this proposition, because I do not see that we should care any more for the interests of the Heligolanders than we do for the interests of the people of Bechuanaland, and of other South African territory which you are now handing over to Germany.

(5.32.) The Committee divided:—Ayes 56; Noes 172.—(Div. List, No. 205.)

(5.45.) MR. ATKINSON: I have an Amendment to propose, which may perhaps occupy only a few minutes. When we conquered Heligoland we made an arrangement that the privileges of the inhabitants should be continued, and one of those privileges was that they should not be called upon to serve in the King's Ships. The clause now before us does not give quite as good terms to them, now that they are transferred to another Protectorate, without any conquering having taken place. The clause is—

"All persons natives of the territory thus ceded, and their children born before the date of the signature of the present Agreement, are free from the obligation of service in the Military and Naval forces of Germany."

I wish to add—

"Service in the Naval forces of Germany shall never become obligatory on persons natives of the territories thus ceded, or their descendants."

My argument is that you should give them as good terms as they had from us when we conquered the territory. I am perfectly certain, from what I know, that the Emperor of Germany is very much delighted with his bargain. I know that he considers that he has proved to the world that he has done as clever a thing without Bismarck as could have been done if we still had Bismarck. I know that from the attitude he has taken, and from the meteor-like shower of stars and decorations that has taken place since he made this bargain. I believe it is our duty to insist upon the terms we propose, because up to the present time we have had to take care of the interests of the natives of Heligoland.

THE CHAIRMAN: I have to point out that this cannot be moved as an Amendment to the Agreement entered into, and which is contained in the Schedule. It may, however, be moved as a proviso to this clause.

MR. ATKINSON: I do not object so long as it is moved.

THE CHAIRMAN: Order, order!

Amendment proposed, in page 2, line 14, after the word "Germany," to add the words—

"Service in the Naval forces of Germany shall never become obligatory on persons natives of the territories thus ceded, or their descendants."—(*Mr. Atkinson.*)

Question proposed, "That those words be there inserted."

*(5.50.) MR. W. H. SMITH: I fully appreciate the feeling of my hon. Friend which has induced him to make this proposal, but I must remind him that Her Majesty has entered into an Agreement with the Emperor of Germany, and that it is not possible for us now to insert these conditions. We will do what we can to represent to the Emperor of Germany the desirableness of exempting these persons from Naval Service. I have no doubt that the consideration which has been promised for the native laws and customs will have the effect which the hon. Member desires. My hon. Friend will see that one of the conditions is that native laws and customs now existing will, as far as possible, remain undisturbed. And I should certainly imagine that

these laws and customs would prevent the Heligolanders for Naval Service under the German Crown. One point my hon. Friend has failed to observe, that every person at present in Heligoland may opt for British nationality, and if he exercise that option he and his children and his grandchildren will be exempt from Naval or Military Service under the Crown. The greatest possible care has been taken to preserve to every person now living in the island the rights which they at present enjoy under the British Crown. I trust, therefore, my hon. Friend will accept the assurance that we will do everything in our power to secure the continuance of those privileges. The inhabitants of Heligoland should take what we have done as some evidenee of our concern and desire to secure these privileges for the inhabitants. I hope my hon. Friend will not press his Amendment to a Division.

MR. ATKINSON: I wish to point out that what has been done is subject to the assent of Parliament. I, as one Member of Parliament, should not give my assent were I not certain that the Government will do their utmost in the matter.

(5.54.) MR. BRYCE (Aberdeen, S.): I confess I cannot understand how the right hon. Gentleman can think that a provision with regard to usages and customs is capable of preventing the imposition of the obligation to Military Service. The provision seems to me clearly intended to apply to usages and customs in the nature of local customary law, and not to the Military and Naval Service to which other German subjects are liable. When the right hon. Gentleman speaks of the rights of a person to opt, a term which I confess I regret to see used, as it is not English, does he mean that the children of that person, born after the signature of the Agreement, will remain of British nationality, their father having elected to remain a British subject? If we are assured that this is so—and no doubt such would be the rule under English law—it will, I think, make a good deal of difference in the opinion of the Committee, and we shall feel less anxiety with regard to Heligoland than we do now.

*SIR J. FERGUSSON: There is no doubt at all about the matter. I am perfectly correct in the statement I made in answer to the right hon. Gentleman the Member for Mid Lothian. We now know by the opinion of German prints that a child born in the German Empire of alien parents is not a German subject, nor, again, his children, though the rights of German nationality may afterwards be acquired. Therefore, the children and grandchildren of those who opt remain British subjects.

(5.56.) COLONEL NOLAN (Galway, N.): I think this Amendment is a move in the right direction; but it should apply both to Military and Naval Service. If the Amendment of the hon. Member were not accepted, I should move that the children of the Heligolanders for 20 years should not be liable to Military Service. I am putting the limit at 20 years. I do not go so far as the hon. Member for Boston. I would like to point out that the whole contingent from Heligoland for the German Army would, at the rate of one out of every 200 of the population, be only 10 men a year. That is the whole number the German Emperor would lose, if this Amendment were carried, and then the inhabitants of dependencies of the British Crown would know in future that they were not liable to be handed over to compulsory Military Service, which is not in accordance with the spirit of the British nationality, excepting in the very last resort.

(5.57.) MR. ATKINSON: My reply is simply this. I go by the original Agreement in which there is no mention of the Military Service, and, therefore, I could not accept the suggested Amendment to my Amendment.

DR. CLARK: The Amendment is totally unnecessary. The third clause really gives the Heligolanders everything they could possibly ask, and had they remained Schleswigers they would have been required to give both Military and Naval Service. If these people go back to the Fatherland, they ought to bear the burdens which are imposed on all the other subjects of the German Empire. I shall vote in this case, also, with the Government, if they determine to keep the Agreement as it stands.

*(5.58.) MR. CHANNING: My hon. Friend is quite mistaken as to the position of the Heligolanders. It is perfectly clear that they had a traditional privilege, and that privilege

was laid before the English Commanders in 1807, when the island was taken. The evidence in favour of that privilege was so strong, that in the Articles of Capitulation it was agreed that the privilege should be maintained in perpetuity to the population. It is obviously useless to labour the point. I think the matter has been managed in the pettiest and most pusillanimous way by Her Majesty's Government. It would have been far better had they dealt with the matter boldly. We have given Germany an enormous boon in handing over to her this island of immense strategic value, and we might at least have asked that those traditional privileges should be maintained. Are any effective means whatever being taken to make known to this population, which is evidently somewhat behind the times—I am told that there is no current newspaper circulated in the island—as by notices the steps which they ought to take in order to retain British nationality?

*(6.0.) SIR J. FERGUSSON: I am in a position to say that the fullest information has been given to the people of Heligoland of the conditions attached to the Agreement in their favour. I have had separate and independent testimony that, generally speaking, the Heligolanders have expressed themselves thoroughly satisfied; and when there was reason to believe that they were dissatisfied before they were totally unaware of the liberties secured to them.

MR. MAC NEILL: Satisfied! They had only Hobson's choice. In reference to the Amendment proposed by the hon. Member for Boston, I say that the people of Heligoland are entitled to total exemption from Naval Service. By the 10th Article of the Treaty under which Heligoland was capitulated, they had full privilege of exemption; indeed, they enjoyed at that time higher privileges than Englishmen, who were subject to the press gang system. The Heligolanders have behaved well towards us during the interval, and their vested interests and rights should be now guarded to them under this Agreement, unless we are entirely under the thumb of the Germans—perhaps we are.

(6.2.) MR. BRYCE: I hope the Committee will not divide on this Amendment. We have made our protest, and it seems unnecessary to divide.

MR. ATKINSON: My Amendment was moved with the object of carrying out the Agreement, but having regard to the assurance of the First Lord of the Treasury that the Government will do all they can, I beg to withdraw that Amendment.

Amendment, by leave, withdrawn.

COLONEL NOLAN: I wish now to move my Amendment—

"Provided Clause 3 be so amended as to include exemption from Naval and Military Service children born of native Heligolanders within 20 years after the cession of the island."

Though a more moderate Amendment, it is more substantial than that of the hon. Member for Boston, because the natives would now be more liable to Military than Naval Service. I do not say that we are bound to keep the Heligolanders for ever from the German Empire, but I think the limit of 20 years, which I propose, is a reasonable time. When the German Emperor sees that such a mild Amendment has passed through the House of Commons, and when he remembers that he only loses about 10 men a year, I have no doubt he will accept the proposition.

Amendment proposed,

In page 1, line 15, after the word "Act," to insert the words "Provided that clause three of article twelve set forth in the Schedule be so amended as to include in the exemption from military and naval service the children born of native Heligolanders within twenty years after the cession of the island."—(*Colonel Nolan.*)

Question proposed, "That those words be there inserted."

(6.5.) SIR J. FERGUSSON: I think the hon. Gentleman will see that it is absolutely impossible for Her Majesty's Government to accept this Amendment. Very large privileges have been secured to the people of Heligoland, and these conditions have been guaranteed to the German Government. Let us consider what they are. Every person now in Heligoland will be exempted from compulsory service, and he may also, if he chooses, opt for British nationality, which would extend to his children and his grand children. I venture to think that the House does not wish to put the Government in such an unworthy position as to go back to the

German Emperor to ask for this consideration.

COLONEL NOLAN: I am perfectly astonished to hear the Under Secretary for Foreign Affairs talking about what is unworthy. It would be most unworthy not to ask for this condition in the Agreement, and the whole of Europe and America would think it very shameful on our part if we did not ask for it. On what authority does the Under Secretary for Foreign Affairs say that the Heligolanders are satisfied? Though he speaks truthfully, yet he is liable to commit a great inaccuracy on the present occasion, and I believe he would find evidence not so absolutely affirmative as he thinks

MR. ISAACSON (Tower Hamlets): The law has been that children born in a country that has been ceded after the signature to the Treaty, are not entitled to the nationality of their parents. That was laid down some years ago in a case in which I was very much interested, and where the children, born of English parents in Hanover, were not, after the signature to the Treaty of cession, allowed to vote at elections in this country.

DR. CLARK: I take my standpoint on common sense. The Heligolanders have 18 months further to choose, and if they elect to become German subjects, they have a right to bear the burdens which are imposed on other German subjects. If they desire to be English subjects, then before the 1st January, 1892, they can choose to be British subjects. Everything the Government could ask has been asked, and they ought not to ask for any further privileges.

MR. MAC NEILL: I would point out to the right hon. Gentleman that the tone he has adopted does not tend to facilitate discussion, that we are making a disgraceful bargain, and that the right hon. Gentleman makes no reference to that fact. We are giving up everything for nothing, so let us not hear that this is an Imperial bargain.

(6.10.) The Committee divided:—Ayes 68; Noes 191.—(Div. List, No. 206.)

(6.20.) MR. E. ROBERTSON (Dundee): Mr. Courtney, I wish to move an Amendment, which I venture to think will be accepted by Her Majesty's Government. The Amendment I wish to move is, in line 17, to leave out the words "that appears to Her Majesty." I think that all the words after the word "Act," in line 15, are really unnecessary on the theory of the Bill which was laid before the House the other night by the hon. and learned Gentleman the Attorney General, who gave to my mind the best explanation that has been afforded of this Agreement. It is really a conveyance, and nothing but a conveyance, of this island to the Emperor of Germany. The Emperor of Germany is advised by very able jurists, who know that the Sovereign power in England is not Her Majesty the Queen but the Imperial Parliament, of which Her Majesty is the head. I can conceive that it has been said to the German Emperor that the reserved power of the British Parliament cast a sort of cloud upon his title to Heligoland, and that it was prudent for him to ask that the assent of Parliament be specifically given to this Instrument. That, I think, to be in substance the view of the Attorney General. I must say it is a very tenable view, and one which removes all constitutional objections which have been taken to it. If that is the real purport of this Agreement, I venture to think that the Act itself ought to be restricted to this specific purpose of the conveyance. If I am right the Act is a mere instrument by which Parliament is co-proprietor of this island; and, therefore, it seems to me that these words, although unnecessary, from my point of view, are harmless. But there is one phrase which appears to me distinctly objectionable, and that is the phrase "that appears to Her Majesty." As a matter of law there can be no doubt that Her Majesty has power to direct that which is necessary for the proper carrying out of this provision. But I submit that the subsection goes further than that, and that it gives to Her Majesty the power to do everything that seems to Her Majesty to be necessary. Now, that is a different thing. Of course, I am entitled to take extreme cases in arguing against those words, and although I do not suppose for a moment that the power would be in any way abused, nevertheless the words, literally construed, would grant powers which this House could not

for one moment sanction. I mean that the discretionary power contained in this phrase would make it legal for Her Majesty to do that which would otherwise be illegal.

Amendment proposed, in page 1, line 17, to leave out the words "that appears to Her Majesty."—(*Mr. E. Robertson.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

*(6.27). SIR J. FERGUSSON: I think the hon. and learned Gentleman will see that the words are necessary in order to give Her Majesty a certain amount of discretion in carrying out the provisions of the Act of Parliament. Her Majesty takes such steps as may be advised to be necessary by the Law Officers of the Crown, upon whose discretion the responsibility rests. It is a common form, and not mere surplusage. It does no more than leave with the Executive Government the discretion and responsibility.

MR. R. T. REID (Dumfries): I do not know that it is a very important point that my hon. and learned Friend has raised, though it seems to me that he is right. I am not aware that it is a common form, though the right hon. Gentleman may be more familiar with the subject than I am. The point is a very short one. It is, whether Parliament has the right to give the Crown a discretionary power. It appears to me that Parliament might take a very different view to the Crown of what is necessary and proper. Unless the phrase is a common form, I do not think it will do any harm to eliminate it.

MR. MAC NEILL: In what Statute or series of Statutes does this common form appear? I am not aware of it.

THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): These words leave it to the Crown to judge what is necessary and proper. If they were omitted, the Treaty would have to be carried out under the Courts of Law—a course which would be rather inconvenient.

MR. E. ROBERTSON: The right hon. Gentleman—he will excuse me if I say and "learned Gentleman,"—has really given a reason why the Amendment should be accepted. The test to be applied now would be the Common Law. Under the Bill as it is drawn it would be a complete answer to an action to produce a declaration from Her Majesty's Government that it appeared to them to be necessary or proper. I apprehend that the right hon. Gentleman has conceded all the substance of our contention.

(6.31.) SIR J. GORST: Formerly the doctrine was that the Crown could do no wrong. According to the hon. and learned Gentleman, the Crown can be sued, and therefore can do wrong. The words imply no doubt that the Crown must be the judge of what is right in carrying out the Act.

SIR G. CAMPBELL: I have not the same implicit faith in the lawyers as my hon. Friend has, and I think it would be very objectionable indeed to throw the whole matter into the crucible of the Law Courts. I feel bound to vote against the Amendment.

Question put, and agreed to.

Question proposed, "That Clause 1 stand part of the Bill."

(6.34.) SIR G. CAMPBELL: I am very glad indeed that the clause stands as it does, and that due consideration has been given to the inhabitants. But Heligoland is not the only island whose wishes and feelings should be consulted. There is another island which ought to be consulted, and that is the island of Great Britain. We are not bound to keep an inconvenient and dangerous possession if there are good reasons for giving it up. We, who advocated the cession of Heligoland earlier in the Session, have been accused of desiring to give it up for sentimental reasons. Nothing of the kind. We desire to give it up because it will be better for the country to be without it. Much has been said about the constitutional argument. I am one of those sacrilegious persons who do not care much about the Constitution, and I am glad to have this thing done in any way in which it can be done.

(6.36.) MR. MAC NEILL: I move to reject the clause altogether. We have not got the consent of the people to this cession. That consent would be usual. We have been acting on the consent of Parliament in a case in which the consent of Parliament was never asked before. We say this is an invasion of the

prerogative, and that it is also an invasion of the just rights of the people. This clause is vicious, because, in the first place the executive and legislative functions are jumbled up, and executive functions are, for the first time, given to the House of Commons. Another objection is that you are entering upon this matter hap-hazard. On the 4th of June the right hon. Gentleman the Under Secretary for the Colonies (Baron H. de Worms) asked why we should cede Heligoland to Germany, and said we might as well cede Gibraltar to Spain and the Channel Islands to France. How have matters altered since then? They have not altered at all except that, through the working of some power with which we are not acquainted, the Government have completely reversed their position on the question. We get no consideration for this cession. This Agreement, from beginning to end, is illusory. The main features have been fully discussed, but it is well allusion should be made to the words "the native laws and customs now existing will, as far as possible, remain undisturbed." That shows—I scarcely like to say the *mala fides*—the insincerity of the Agreement. Who is to judge whether the laws shall remain in force? The Germans are to be the judges, and the words "as far as possible" are introduced simply to blind the people of England when giving up to the German Government full jurisdiction over the rights and privileges of the Heligolanders. You are doing an act of injustice to the poor and defenceless, while you are truckling to the great. You have no right to surrender this island as long as the islanders, who have grown up under your protection, do not choose to surrender it, or have not given their consent.

(6.42.) MR. R. T. REID: It seems to me that the Government have done one good thing, and that is they have introduced a Bill for the purpose of carrying out this cession. I cannot at all assent to the view that it is to the interest of Parliament that these transactions should be carried through by the use of the prerogative of the Crown without consulting Parliament. I hope there will not always be the difficulty in one branch of the Legislature which Liberals have always had to encounter, and I am sure that it is to the interest of the freedom of the country at large that such measures as this should be embodied in an Act of Parliament. I am sorry, on other grounds, the leaders of the Liberal Party have not seen their way to take any part in opposition to this Bill. I believe it will be found that this Bill is objectionable in many ways. Certainly, to my mind, it is objectionable in two ways. When this subject was discussed in June last the Ministers representing the Crown got up in this House and used very strong language indeed against the suggestion that Heligoland should be given up to Germany. That took place at the very time that Her Majesty's Government were actually intriguing for the purpose of ceding Heligoland to the German Emperor. It is a piece of gross indignity to the House of Commons that we should be treated with such an entire want of consideration. I also think that the matter itself of the Treaty is not so light as some hon. Gentlemen appear to think. We are surrendering territory in Europe. Often hitherto we have surrendered territory in India; but India stands on its own basis. But we are curiously situated all over the world with regard to territory. There are islands and provinces belonging to this country all over the world, where we have contracts with various foreign Powers. Hitherto no foreign Power has endeavoured to make the cession of territory by us to them the basis of any transactions between us. I do not know how long that state of things will continue when it is seen that the cession of European territory can be made the subject of a bargain in the time of profound peace. I am afraid the precedent will not be useful to the interests of the country. We may have serious difficulties with France that may raise the question of the possession of the Channel Islands. Spain may raise a question with regard to Gibraltar. I might amplify this argument, but it is unnecessary to do so. But I feel it is difficult to blame the Government when those whom I had hoped would have assisted us in this matter have not been able to see their way to do so. I must assume that Statesmen of experience are likely to take a different view to myself, but as I entertain the views I have expressed,

I thought it only right that I should state them temperately to the Committee.

(6.47.) MR. LABOUCHERE: I cannot understand why several of my hon. Friends should be so enthusiastic as to the right of the Heligolanders to belong to this country, and as to their allegiance not being passed from one country to another without their absolute assent, while they welcome all the annexations that take place in Africa. It seems to me the men of Africa and Europe stand precisely in the same position. By this Treaty we get certain possessions in Africa, we practically annex them without in any way asking for a *plébiscite* of the Africans, without asking for their consent. What right have we to do this, and why do not hon. Gentlemen complain of it or protest against it? Why are they so exceedingly zealous with regard to the aspirations, or the supposed aspirations, of the inhabitants of Heligoland to remain British subjects? Upon one point I entirely agree with my hon. and learned Friend, and that is the monstrous character of the action of Her Majesty's Government. The First Lord of the Treasury smiles; he is so accustomed to treat us in this monstrous fashion that he laughs if we protest. I cannot help pointing out how monstrous is the conduct of the Government in this case. In June last we took the liberty to suggest that we should not be exceedingly sorry if we parted company with Heligoland, ceased to pay a Governor of the island, and ceased to incur the liability of being obliged to defend Heligoland in the case of a European war. Hon. Gentlemen denounced us as unpatriotic and revolutionary. What is remarkable is that at that very moment Lord Salisbury was treating with a Foreign Power for the cession of Heligoland. What does all this disclose? Why the great evil of the Prime Minister not being a Member of this House, and the still greater evil of a noble Peer, not a Member of this House, being not only Prime Minister but Minister for Foreign Affairs. Under present circumstances it is impossible that we can have any reasonable control over the action of Her Majesty's Government. [The CHAIRMAN: Order!] I gather you think I am travelling beyond the question, therefore I will not pursue the matter. But I hope my words will weigh with Her Majesty's Government, that they will consider well and ponder over any future arrangements, and that they will let us have the Prime Minister in this House, and the Prime Minister and Minister for Foreign Affairs separate individualities.

*(6.52.) SIR J. FERGUSSON: The hon. Members for Dumfries and Northampton have spoken of the gross inconsistency of the Government resisting in June last the proposed cession of Heligoland, and in now submitting a Bill to sanction the cession. The difference between the position at that time and the present position is so obvious that it is quite unnecessary for me to explain it.

MR. R. T. REID: The Government not only resisted the Motion, but denounced the injustice and folly of surrendering Heligoland under any circumstances.

*SIR J. FERGUSSON: This is not a matter raised for the first time. This matter was brought forward some years ago, when the present Secretary of State for the Colonies pointed out how unjust it would be to hand over the people to another State where they would be subject to onerous obligations from which they were then free. It would have been a strong ground of attack and complaint against Her Majesty's Government if provisions had not been introduced into the Treaty to give relief to the Heligolanders. The hon. Member for Northampton was willing to give over Heligoland, and without an equivalent.

MR. LABOUCHERE: I never said so.

*SIR J. FERGUSSON: There was clearly no question last June of an equivalent for the cession of Heligoland, and there was then no question of immunities for the Heligolanders. Even if at that time the cession had been determined upon—and it had not—is it not evident that it would have been in the highest degree impolitic to have acceded to such a Motion in the midst of pending negotiations.

(6.56.) SIR G. CAMPBELL: I am totally unable to understand why the Under Secretary for Foreign Affairs says that in June it was proposed to give up Heligoland without an equivalent. I had the honour of raising the question in June, and I alluded to the fact that negotiations regarding Africa were then going on, and I suggested that Heligoland might be traded away in those

negotiations. Later on in the Debate the hon. and gallant Member for Galway emphasised that view. No doubt, negotiations were necessary, but if the right hon. Baronet was a responsible man of the Government, we should complain that he not only refused to accept our Motion, but used the strongest language in regard to the utter folly and absurdity of people who made any such proposal.

*(6.57.) MR. CHANNING: My hon. Friend has established his case and clearly shown that the Ministry and the Tory Party in this transaction have walked humbly and meekly under the Caudine Forks in adopting the suggestion made by the hon. Members for Kirkcaldy and Mid Cork. We can trace plainly enough what has been the origin of this proposal. If we look back we find that the Ionian Islands cession was due to the fact that the English Government wished to strengthen, and strengthen in a righteous way, the power of the young King of Greece, but I venture to say that when the historian records these events, he will say that the feeblest and flabbiest Foreign Minister who has ever held power in this country deliberately handed over one of the European possessions of the Crown, to gratify the vanity and increase the pride of the young German Emperor. Resistance to this Bill is not merely due to the fact that the wish of the Heligolanders should be respected, but I do think that the important opinions which have been expressed by the highest authorities on the strategic value of the island to Germany deserve fuller consideration from Her Majesty's Government than they have received. Admiral Von Werner, one of the greatest naval authorities in Germany, has said recently in an article in the German Press that the cession of Heligoland amounts to a subsidy of more than 10 or 12 million marks a year to Germany, and will enable Germany to set free 10 to 15 battleships for operations elsewhere. If that is the measure of the gift which has been given to the German Emperor, for dynastic and not Imperial reasons, I might almost say for family reasons, history will record that the Prime Minister has not been the happiest and the most firm of Foreign Ministers. I am reminded of the remark Prince Bismarck once made of the Prime Minister—"Lord Salisbury is a bending reed, painted to look like a bar of iron"—and I think these events prove the correctness of the opinion of Prince Bismarck.

(7.3.) DR. TANNER: I desire to point out that the Motion of the hon. Member for Kirkcaldy to refuse the salary of the Governor of Heligoland was upon the Paper some time before the Vote came up in Supply on the 4th June. Why was not the right hon. Baronet the Under Secretary of State for Foreign Affairs prepared to do his duty to the House? He was the Representative of the Foreign Office, and, presumably, was in communication with the Premier. He had ample opportunity of going to the Premier, and of finding out what was being done with regard to Heligoland. I feel for the right hon. Baronet in the humiliating position the Premier put the right hon. Baronet. Personally, I am delighted that Heligoland is going to be given up. I tried on two or three occasions to bring the matter forward, and I am glad to see that the present Premier, although not always of our way of thinking, has, at least, adopted the suggestion of a humble Irish Nationalist. I shall certainly give my vote most heartily in support of Her Majesty's Government.

Question put, and agreed to.

Clause 2.

SIR G. CAMPBELL: I have put down an Amendment to this clause, and also to the Preamble, with the object of limiting the Bill to a cognisance of the Heligoland cession, but, on consideration, I think it is a good thing that Agreements like the Anglo-German Agreement should be brought within the cognisance of Parliament. I will not move the Amendment, but will take the opportunity of the Motion for the Third Reading to make some general observations.

DR. CLARK: The Amendment referred to is one I am able to support; and if my hon. Friend does not move it, I will. If the Amendment is accepted, I shall not be compelled to vote against the Third Reading of the Bill. I thoroughly approve of the Heligoland cession, but I very strongly disapprove of the Anglo-German Agreement. As to South Africa, the Government have been humbugged by the Germans.

Amendment proposed, in page 1, line 19, to leave out the words "Anglo-German Agreement" and insert "Heligoland Cession."—(*Dr. Clark.*)

Question, "That the words 'Anglo-German Agreement' stand part of the Clause," put, and agreed to.

Clause 2 agreed to.

Schedule.

*MR. BRYCE: It deserves remark that the Government have committed the strange breach of diplomatic regularity and correctness of phrase of speaking of Emperor William as the Emperor of Germany, while his proper title is the German Emperor. The title is one which was deliberately adopted, for strong, political, and historical reasons, when the present German Empire was established.

*SIR J. FERGUSSON: The title "Emperor of Germany" was used by the desire of the German Foreign Office. "German Emperor" is the title which will be employed in this country.

Schedule agreed to.

Preamble agreed to.

Bill reported, without Amendment.

*(7.11.) MR. W. H. SMITH: I hope the House will allow the Bill to be read a third time. The Bill has, I think, been very fully discussed, and there are very few questions that can be left to be raised upon it.

Motion made, and Question proposed, "That the Bill be now read a third time."

(7.12.) SIR G. CAMPBELL: I have no objection to the Bill being read a third time; but when the right hon. Gentleman says the Bill has been fully discussed in all its aspects, I must differ from him entirely. For the first two days almost the whole of our time was devoted, not to the merits or demerits of the Bill, but to a high constitutional question connected with the Bill, and raised by a great authority in this House, and those of us who took an interest in the matters in the Bill itself had no opportunity of speaking. On the second night of Debate, when we were approaching the Bill itself, the right hon. Gentleman the Member for Derby again raised the constitutional question. Although I do not wish to detain the House at length, I wish to make a few observations, not in reference to Heligoland, which has been well discussed, but upon those matters which you, Sir, have ruled to be in order, the equivalent for Heligoland in Africa. I am not altogether satisfied with the bargain Her Majesty's Government have made, for I think they have got too much for Heligoland, too large a slice of Africa. It seems to me that our position with Heligoland is something like that of a man who has a horse in his stable—absolutely useless to him—"eating his head off," and he puts him in the market, willing to take a few shillings from a knacker, and with the chance of somebody taking a fancy to the animal and giving a good price for him, and is fortunate to secure this purchaser. I am not going to find fault with the Agreement. I regret the observations which have tended to encourage the impression that in this matter we have tried to enter into a special alliance with Germany to conciliate the German Emperor. In my view, it would be most undesirable to do anything of the kind. I wish for amicable arrangements, not only with Germany, but with France, and with all other nations. In justice to the Foreign Secretary and Under Secretary, I do not think that they are open to the accusation that they have at all truckled to Germany; they have not got into trouble with their own Jingo followers as in reference to the New Hebrides. I thing we have, to a certain extent, got too much of Africa, more than is good for us. In exchange for a useless horse we have got a sort of elephant, as it were, not a white one exactly, but a wild one, and which requires catching. I am a little uneasy about this huge tract of Africa in exchange for a little island we were ready enough to get rid of at any price. I am somewhat uneasy, too, not as regards the actual delimitation made by the Agreement, but in regard to special words used that carry our minds down to the confines of Egypt. We thought the limit of Egypt was Wady Halfa, but a dangerous question is suggested by the words and raised already by the African Company, whether they mean we are to extend our influence all round and take in not only the equatorial provinces of Emin Pasha, but even Khartoum. I have heard that Nubar Pasha has ex-

pressed his surprise that we should be seeking to come from the South-East to occupy that very equatorial country we formerly divested ourselves of. I do hope that Her Majesty's Government will give us to understand that we are not going to take under our control the whole of these vast provinces of Africa which we are at liberty to control, so far as Germany is concerned, under this Agreement. I think we ought to have some consideration for that noble ally of ours—Italy—and come to an agreement with Italy which will leave ample scope for Italian energy and genius in Africa. I do hope that the desire to conciliate Jingo votes will not lead Her Majesty's Government into imprudence. I am afraid the wording of the Agreement will be construed into support of the extravagant claims of those Jingo gentlemen who think enormous additions of African territory are given to the Chartered Companies. I see the advocates of the East African Company claim that 750 square miles of territory have been given to them. But who has given this to them? We have made limitations as between ourselves and Germany, but I see nothing in these limitations which gives these African Companies any right to acquire equatorial provinces and the country up to Khartoum. I see one advocate claims that the country from Wadelai up to the Congo State is thrown open to them. But licence to grab land in this way has not been confirmed by Parliament, and the consent of Parliament is surely required. No doubt we shall be told that certain territories have been acquired by Mr. Stanley, who has made over certain Treaties. In this respect, I think, when the words of the right hon. Gentleman the Member for Mid Lothian come to be studied in the interior of Africa, as I am sure they are in all civilised and uncivilised countries, they may cause great alarm. I understand that African lawyers have an opinion that their chiefs have not the power to make away with territories for a few bottles of rum or gin. I am given to understand that under the Constitutional Law of Africa, those who have acquired territory under Treaties with pretended chiefs have no real title until the Treaty is confirmed by an African Parliament of the representatives of the African people. I have not the least doubt that the constitutional doctrine of this country may be misconstrued as applied to Africa, and that force and significance are given to Treaties which are utter trash without the consent of this African Parliament. The East African Company makes claim to enormous territory and hopes to get enormous dividends, but have they sufficient force to occupy the country and maintain dominion? Is there not fear of their being dragged into too great responsibilities? We know they have a subscribed capital of £180,000, the dividend upon which they are going for the present to take out in philanthropy, and I do not doubt that much of the capital was subscribed from motives into which philanthropy enters considerably; but to command and develop these immense regions, millions of money are required. Where is this money to be found? I am alarmed at the manner in which the East African Company rejoice over these great possessions and boast of their own concessions, and at once suggestions are made that Her Majesty's Government should help them to construct a railway. But who knows the physical difficulties in the way? It is very easy to take a small map of Africa and say we will make a railway from that point to this, but the character of the country is almost unknown. This East African Company have not reached Lake Victoria from the coast, and do not know what the country is. One gentleman, I understand, has found his way to Lake Victoria; but as he has not come back yet, we do not know the result of his journey. At the meeting of the company the other day it was announced that he had to cross passes 9,000 feet high, a greater height than the Alpine railways have had to traverse. If I remember rightly, the St. Gothard and Mont Cenis passes are somewhere about 7,000 feet high, and this railway talked of with a light heart presents enormous difficulties in a mountainous region. I am alarmed, I say, when I hear the company suggest pecuniary assistance from Her Majesty's Government to assist their operations in these vast regions. There is another view of the case some of my hon. Friends take very strongly; and I think there is no doubt that, in order to acquire, I will not

say the right to territory, but between ourselves and Germany large hunting grounds in the North-Eastern portion of Africa, we have made perhaps less valuable terms in South Africa. To a certain extent, the interests of the South African people have been sacrificed. I do not sympathise with the Jingo aspirations of Cape Colony or any South African Colony. I entirely subscribe to what was said by the Under Secretary in this respect. I think that our colonies there have quite enough to do to look after their own, and that we are not called upon to make large acquisitions of territory for their gratification; but I must say I should very much prefer, looking at our direct route to India, that if any African Empire is to be constituted it should be in the South rather than that we should enter into the dangers connected with the Northern regions. I should be satisfied with a desire to establish in the South an Imperial dominion such as that in India. I am led to take that view by the perusal of the small book in regard to Basutoland. We know that Cape Colony undertook to manage the territory and failed, and got defeated by the Basutos; but now we have the Report showing the success of Imperial management. I believe if we established an Imperial dominion in the South it would be a success, but, at the same time, I admit there are very grave reasons to doubtif Her Majesty's Government would have had the courage, and, therefore, I am content that our delimitation in South Africa should remain what it is. Just a word more on the question of Zanzibar. I believe a mistake has been made in the wording of the Treaty, and that not sufficient regard has been had to the sensitiveness of France in connection with the Treaty of 1862. I hope it may be merely a matter of wording, but I could have wished it had been made clear that our arrangement with Germany does not shut out an arrangement with France. I confess it seems to me that the position of England and Germany towards Zanzibar is akin to that of two robbers, who, having stripped a man of all that belongs to him, discuss who shall protect him. We have allowed Germany the most valuable part of the dominions of the Sultan of Zanzibar, and we take the remainder. As a matter of fact, the Protectorate of Zanzibar resolves itself into nothing more than a Protectorate of those two islands. What I object to is that the arrangement which has been made is one which will entail upon this country enormous responsibilities fraught with much trouble and difficulty, and from which we shall derive little or no advantage. I think, Sir, that this Bill has within it dangerous responsibilities, and I, for one, do not feel at all easy with regard to the bargain which has been made.

*(7.31.) MR. BRYCE: I do not intend on this occasion to repeat the observations that I have made upon the policy of this Agreement in the Debate on the Second Reading of the Bill. But I desire to ask Her Majesty's Government a question of practical importance with regard to the steps that have been taken to preserve Free Trade on the Zanzibar Coast. By the Act of Berlin of 1885 a considerable area, not only on the West side of Africa, but alsoon the East, extending from lat. 5° N., to the mouth of the Zambesi in lat. 18° S., was declared to be open to the trade of all nations. And the 8th Article of the present Agreement constitutes an engagement as between England and Germany in their respective spheres to promote complete free trade as contemplated by the Act of Berlin in all those parts of Africa to which the Agreement applies and to which the Berlin Act applies. It is within the knowledge of the House that there is a very large trade between Zanzibar and British India, and there has been considerable alarm among our British subjects in India as regards the effect of the cession of the coast line by the Sultan of Zanzibar to Germany. The idea entertained among the British India merchants, and also among merchants here, is that it will be in the power of the German Government, notwithstanding what would seem to be the obvious meaning of the present Agreement, to establish Customs Houses on the East Coast and so stop freedom of trade on the mainland of Africa. Her Majesty's Government have not made any declaration on this subject. The question I put to them on the Second Reading of the Bill has not been answered by them. I trust we shall, on

this occasion, receive a satisfactory answer on this point. It is a matter of the utmost consequence to Englishmen and to our fellow-subjects in India that there should be the fullest freedom of trade on the East Coast of Africa, all protective tariffs, and especially all differential rates, being forbidden; and if we can only obtain from the Government an absolute guarantee on this point, we shall probably be less disposed to criticise the other points of the Agreement.

(7.36.) MR. LABOUCHERE: The right hon. Gentleman in the earlier part of the evening distinctly stated that the German Foreign Office had expressly stipulated that in the English translation of the Agreement the German Emperor should be called the Emperor of Germany. The right hon. Gentleman must have been under some mistake in the matter, because I have never yet heard of a potentate who was not recognised by a particular title in his own country assuming that title in his diplomatic relations with foreign countries. In the German version of the Agreement the Emperor is called "Der Deutscher Kaiser," which means the German Emperor, and he is not the Emperor of Germany. I think that a Treaty submitted to the English Parliament for its approval ought to be an exact translation of the original. We might as well call him the Emperor of Timbuctoo as the Emperor of Germany, and I submit that we ought not to be called upon to use a phrase which is simply due to a mistranslation which has taken place in the Foreign Office.

*(7.41.) SIR J. FERGUSSON: I assure the hon. Member for Northampton that I have been perfectly right in what I have stated; that it was at the request of the German Foreign Office that the phrase has been translated "the Emperor of Germany." In all future documents, as far as this country is concerned, the term "German Emperor" will be used. As to freedom of trade, no doubt, under the new arrangements, some of the existing mainland commerce will be diverted through the German ports; but Her Majesty's Government are assured that the Germans will gladly welcome the presence of British Indians in those ports. There are remarkable facilities for trade in that part of the country, and it would be in the highest degree unwise, and very unlike the Germans, if they were to discourage trade coming from any legitimate source. I hope that the East Africa Company will have a great future before them, and that they will not risk their prosperity by offending against the prejudices or the customs of the native population.

*(7.45.) MR. F. S. STEVENSON (Suffolk, Eye): It has been stated that Free Trade through the German sphere of influence has not been obtained, and apparently it will not be possible to send goods from Lake Tanganyika to the Victoria Nyanza without their having to pass through German territory, and being subject to whatever dues the Germans may impose.

*SIR J. FERGUSSON: There will be absolute Free Trade between Tanganyika and the Victoria Nyanza.

*MR. F. S. STEVENSON: I am very glad to hear that that is the case; but I think that in addition to that the Government ought to endeavour, as far as possible, to secure that Free Trade should generally prevail throughout the German sphere of influence.

(7.47.) MR. BUCHANAN (Edinburgh, W.): I am afraid the House does not fully appreciate the observations that have fallen from the hon. Member for Aberdeen with regard to the modification of the Berlin Act. It turns out that one of the results of the Agreement is that we are practically shutting up a large portion of the interior of Africa, which was supposed to be insured to English trade, from anything in the shape of Free Trade in the future. We have obtained a most important port on the East Coast with which our Indian trade is principally connected, but the value of that acquisition will be materially affected if we are to be deprived of the opportunity of Free Trade with the interior of Africa. I think it unfortunate that this point did not crop up much earlier in this discussion, because we should have elicited fuller and more complete explanations than we are likely to obtain at the present moment.

Question put, and agreed to.

Bill read the third time, and passed.

LOCAL TAXATION (CUSTOMS AND EXCISE) DUTIES BILL.—(No. 244.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 2.

*(7.51.) THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): I beg to move the omission from Clause 2, page 2, line 8, of Sub-section 2.—Agreed to.

*MR. CAMPBELL-BANNERMAN (Stirling, &c.): I beg to move the omission from Clause 2, page 2, line 11, of the words "a sum not exceeding 40" in order to insert the words "the sum of 90." I hope the Committee will extend its indulgence to me, because it is impossible that this Amendment can be adequately discussed unless it is placed in clear contrast with an Amendment which stands lower down in the Paper, in the name of the Chancellor of the Exchequer. The situation, in fact, is this—the ingenious financial schemes of the Chancellor of the Exchequer, tempered and modified by the hazards of the legislative Session, have resulted in placing before us the sum of £50,000, which has to be expended somehow or other in Scotland, and our business is to find not only a good and beneficial object for its expenditure, but the object which shall be the most beneficial and the most agreeable to the wishes of the Scottish people. I, therefore, have to show that my proposal is better than that of the Chancellor of the Exchequer, and I hope that the Chairman will turn a blind eye on any references which it may be necessary to make to the proposal of the right hon. Gentleman. I have, however, first of all to make out a case for my own proposal, which is that the sum now available should be devoted to freeing from payment of fees the entire system of primary education in Scotland. It is a proposal that has been standing on the Paper in the name of several of my hon. Friends, to whose courtesy I am indebted for allowing me to come before them—a proposal put forward as an alternative to what was originally intended by Her Majesty's Government. It is, in fact, but the development, and the necessary development, of the principle for which many of us have contended ever since this question of Local Government and Local Finance has come under the review of Parliament. But in order that the Committee, and especially such Members as may not have followed the course of Scottish affairs, may understand the precise present position of this question, I should like to make a brief reference to the facts of its history during the last Session of Parliament. The moment it became known that a large sum from the Probate Duty was available for the relief of local burdens in Scotland, several of my hon. Friends put forward free education as the first demand to be satisfied. My hon. Friend the Member for North Aberdeen issued a statement of the case, formed a Committee, and did all he could to concentrate public opinion upon the question; and it soon became apparent that there was a strong current of opinion in Scotland in favour of the abolition of school fees, and that any other proposal had no chance of public favour. And this need not surprise us, because while the pressure of this burden is more irksome and more widely spread among the poorest classes of the community than that of any other local burden, we must, at the same time, remember that there has always been a traditional sentiment in Scotland in favour of a widely diffused system of education, and especially of primary education, and that sentiment strongly and very obviously accepted this destination of the money as the best that could be adopted. This current of feeling was in no sense of a political character. Members on the other side of the House fell in with it, and we were all gratified to find when the Local Government Bill was introduced that the Government had recognised the sentiment, and proposed to meet it by a considerable relief of school fees. But the Government proposed to go only to a very modest and timid extent. They proposed to confine the relief to the lowest three standards. It was generally felt that such a concession would be altogether inadequate, and that it would probably do more harm than good. It was thought it would do substantial injury to the interests of education, because it would throw on the whole of the advanced standards a great degree of prejudice and discouragement, and,

therefore, last Session the whole machinery of Parliament pressure was brought to bear on the Government to egg them on to grant as large an amount of money for the purpose of free education as they had at their disposal. These efforts were successful. In fact, we succeeded in getting transferred to the purpose of free education a large sum of money which was intended for the very object of direct relief of rates, to which this money is now proposed to be devoted. In the end a Minute of the Scotch Education Department was issued, abolishing fees for the three lower standards, and for as much of the 4th and 5th standards as the money available would be sufficient for. This is, I believe, an accurate and impartial account of what occurred; but what was our surprise when we went down to the country after the Session was over, and the severities of the Autumn campaign commenced—a campaign which turns what is still by convention called a holiday into the most hard-working portion of the whole year for the unfortunate Member of Parliament—to discover that we had been entirely mistaken, that the activity of the hon. Member for North Aberdeen (Mr. Hunter) and his friends was nothing but a dream, and that it was not the case that the Scottish people, and still less the Scottish Members, had forced Her Majesty's Government step by step to enter upon and develop this policy. We were assured, on the platforms and in the Press, by the supporters of the Government, that they were the true authors of the policy of free education, and that any apparent reluctance they had shown in making these advances was only their way of dissembling their zeal, and this view was confirmed when the Prime Minister said that he was in a state of impatient expectation for the time when if the Budget was favourable and the Chancellor of the Exchequer was good-natured, he would extend to benighted England those blessings of free education which he and his Colleagues had already spontaneously given to Scotland. I am not concerned to inquire into the question, interesting as it may be, to whom credit is due for this thing, but I want the thing to be done, and I want it to be done thoroughly and at once, and that is why I move this Amendment. I am glad, at the same time, in moving it, to afford an opportunity to the Government and their friends, which, no doubt, they have been longing for, of justifying and confirming all those fine phrases and declarations which they made so freely last Recess. I have stated how Parliament left this question. But what have the School Boards of Scotland done? They were obliged, as I have said, to abolish all fees in Standards I., II., and III., and more or less in Standards IV. and V., and they were free in the matter of remitting the rest. What has happened is this: In 2,265 schools, fees have been abolished up to and including Standard V., in 100 schools up to and including Standard VI., and in 674 schools the fees have been abolished for all scholars. I would ask, Can anyone conversant with Scotland doubt that the 674 schools in which all fees have been abolished have the sympathy and approval of the great mass of the people in that country? Can anyone doubt that the 2,265 other schools would have followed that good example if it had not been that they were timid as to the financial result? And they were timid with good reason, because, unfortunately, many of the schools which were bold enough to abolish fees altogether, with the full approval and consent of the School Board constituents, found that they could not make both ends meet, and the Boards were compelled to impose a rate. Now, that is the position of things at present in Scotland. There are some, of course, who will say that we should stop short in this matter at the compulsory standards, and that there is no need to dispense with fees where attendance is voluntary. I do not know whether that is the line which the Government propose to take. Of course, everyone can see that there exists, in the one case, an argument that does not exist in the other. The argument is this—you compel a man to send his child to school, and it is too bad to impose on him the burden of a fee, but when he has an option in the matter, as in the case of the voluntary standards, it may be asked, Where is the hardship of a fee. My answer to that is, that, although there is a necessary limit to the compulsion exercised by the State, there is no

limit whatever to the encouragement that ought to be given by the State, and that if at a certain period of a child's school career there is introduced the new element of a fee, you may depend upon it that you at once indicate discouragement even if you do not actually discourage from further attendance. Let the Committee consider for a moment how this works and what it involves. A child, I presume, when it has passed the fifth standard may be 10 years old. If it is discharged at that age from further attendance, not only is it debarred from the higher and further branches of learning, but by the lack of exercise it loses to a great extent all it has learned. We in Scotland are not, and have never been, devotees of the three R's. We have never believed that reading, writing, and ciphering are the whole educational duty of man. We have never feared to spoil our people with over knowledge. We have in our mind the traditional idea so often quoted of the ladder with its feet in the parish school and its upper steps in the University. That is the reason why we refuse to stop short at the compulsory standards, and why we will never rest until the scheme is complete. Now, I proceed to ask, "Can we do this?" The total amount sacrificed by the extinction of fees in these standards may be put at from £330,000 to £340,000. The amount available last year was £250,000, so that there is a deficit of £80,000 or £90,000. The Government, under this Bill, propose to give £40,000. The Committee will see, then, that here is a gap in our educational system crying aloud to be filled up. Here is a great national purpose, a beneficent, necessary, and even vital purpose, waiting for a windfall of money to meet it, and here is a windfall of the exact sum required tumbling accidentally into the hands of Her Majesty's Government, and which we ask them to devote for this purpose. We have, let me say, no Party, or sinister, or selfish motive in moving this Amendment or making this recommendation. It is odd that I should have to say this, but we constantly are accustomed to have imputed to us the worst Parliamentary and political vices. We are supposed to be degrading Parliament, and to be anxious to bring about the dismemberment of the Empire, and I do not know what. This view of our conduct could not be better expressed than it was by the Home Secretary, on Saturday last, in Birmingham. The right hon. Gentleman, who seems to be much more triumphant in Birmingham than he has ever been in this House, had the audacity to say of us, amongst many other complimentary things:—

> "I ask you, if ever you meet those who differ with you in political opinion, to contrast the condition of Her Majesty's Government and Her Majesty's Opposition, and to challenge them to tell you what their Party have done except obstruct. What measure have they ever improved? What useful suggestion have they ever made? Their function has been to delay all useful legislation, to hamper the action both of the Government and the law, to waste the public time, to degrade Parliament."

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): Hear, hear!

MR. CAMPBELL-BANNERMAN: That is the opinion of the Home Secretary. Why, there is not one of his Bills which is not made up of the suggestions he has received from this side of the House. He goes down into the country and boasts of the Bills he has passed, but he cannot point to one as to which he has not received a useful suggestion from this side of the House. Having been challenged in this way, and told that we never make useful suggestions, I think I am in order in pointing out that here at least is one. The Chancellor of the Exchequer knows that no secret had been made on this side of the House of the object to which we think this money ought to be applied. We have told the Government that in this way they can gain credit and popularity, and make capital, if you like, if they choose to do so. They have not acted on that hint or advice, and it seems to me to be somewhat strange conduct for right hon. Gentlemen, who a few months ago expressed themselves as eaten up with a burning zeal in the cause of free education, to be obstinately resolved that, whatever else is done, this is a thing they will not do. Now I come to the other part of the question, and I wish to point out that it is not as if there were a great many other national purposes in Scotland to which this money could at present be devoted. Free education is not surrounded by a great number of competing attractions. I know, in

fact, of no other subject fulfilling the conditions of the case. The right hon. Gentleman the Chancellor of the Exchequer has not been troubled, like Paris, with the beauties of contending goddesses. His choice is rather Hobson's choice. This is the only thing he can reasonably do with the money. The right hon. Gentleman has been for some weeks engaged in trying to find some other purpose to which to devote the money. It was shortly after Whitsuntide that the Licensing Clauses were withdrawn, and it was only on Monday that he could tell us what he is going to do with this money. And what is he going to do with it? He has ransacked Scotland from one end to the other to find some purpose to which he can devote the money, and although here before him is this great national purpose, he thrusts this £50,000 literally into the waste basket.

*Mr. GOSCHEN: It goes in relief of local taxation.

*Mr. CAMPBELL-BANNERMAN: In relief of local taxation! I have this personal advantage, that I have sat at the feet of the right hon. Gentleman in this very matter of the relations between Imperial and local finance. I was an inexperienced Member of the House of Commons during the years from 1868 to 1871, when the right hon. Gentleman was President of the Local Government Board—or, as it was then called, the Poor Law Board—and I listened with reverential awe to the doctrines he propounded, and absorbed his financial doctrines into my political fibre. One of the right hon. Gentleman's canons consisted in pointing out the evil effects of general subsidies in aid of local taxation. He urged that they led to extravagance and mal-administration; that a definite object ought to be kept in view in giving such grants; and that it should be a definite single tax which should be so devoted, and not a haphazard sum of money out of the general taxation fund.

*Mr. GOSCHEN: The right hon. Gentleman is really not representing my views. These are not propositions I laid down.

*Mr. CAMPBELL-BANNERMAN: I am representing my recollection of them. If he repudiates these principles I shall be very much astonished to hear him do so. Another point of the right hon. Gentleman's was that the money in relief of local taxation ought to be derived from the owners, if possible.

*Mr. GOSCHEN: The right hon. Gentleman's recollection is again wrong. That is an entire, involuntary misrepresentation of my views. The right hon. Gentleman said he absorbed my canons; he seems to have exuded them.

*Mr. CAMPBELL-BANNERMAN: I do not know whether I acquired these views by endosmosis or by ecdosmosis; but these were the general lines of financial doctrine that the right hon. Gentleman then propounded. They are in my very distinct recollection. The right hon. Gentleman now proposes to do that which conflicts with every one of the principles I have alluded to. He takes a part of tax which is paid by the consumer, instead of taking a totally definite and distinct tax; and besides that he does not devote the money to any definite purpose, but merely hands it over to the County Councils and Town Councils that they may do with it what they like.

*Mr. GOSCHEN: Can the right hon. Gentleman point to any passage in which I said that these contributions from new taxes ought to be devoted to a particular object, and not to the relief of general rates?

*Mr. CAMPBELL-BANNERMAN: That is my impression. I confess I am speaking from recollection, and if the right hon. Gentleman repudiates that doctrine, I will admit that he never propounded it. What I wish to submit to the right hon. Gentleman is whether, in proposing to hand over this money in this loose and slovenly fashion to the County Councils and Town Councils in Scotland, he is not really handing it in the main to the landowners, and not to the great body of the ratepayers. At any rate that is so in the counties. The right hon. Gentleman is probably not aware that the general county rate is a consolidated rate—a stereotyped rate, and so long as the expenditure does not exceed the stereotyped limit the whole of that expenditure is paid by the owners. Therefore, the whole of the relief will be given to the owners, if the County Councils choose so to apply the money. I do not say they will do so in all cases. It may be asked, "Why should you object to relieving the ratepayers?" Well, I

do not object to relieving the ratepayers on the principles laid down by the right hon. Gentleman, but I do object to it in this loose fashion. Last year the Scotch Members deliberately and almost unanimously urged the Committee, and the Committee agreed, to transfer to remission of school fees large sums of money originally intended to go in relief of rates, and that was done with the entire approval of the country. And this is the very proceeding, the freeing of education, for which the Government took so much credit during the autumn of last year. I have little more to say. I appeal to the Committee to deal with this question as a Scotch question, and in accordance with the views of the Scottish people, and with the circumstances and necessities of Scotland. My proposal will not be questioned or objected to in any part of Scotland. I will not do the English people the discredit of saying that even they would not prefer to the mere naked brutal relief of rates in the indiscriminate fashion which is proposed by the right hon. Gentleman, a definite relief given to the heavy burden of school fees with all the educational impulses which would necessarily follow. I am well content to set the two objects clearly before the Committee and the country and to leave it to their judgment. These are the two alternative purposes to which the money can be applied. The application of the money proposed by the Chancellor of the Exchequer sins, as I think, and as I think he himself would have admitted 20 years ago, against sound principles of finance. The relief afforded will be inappreciable, and it is not asked for by the very bodies who will receive it. It will benefit most the class which least requires it. On the other hand, the destination of the money which I ask the Committee to approve is eagerly desired by the Public Bodies who will have the distribution of the money. It will benefit the most hardly pressed class in the community, it will save many a poor man from the temptation of failing to do justice to the capacity of his children, and, at the same time, it will maintain and vindicate that faith in the widest diffusion of learning which has been long a happy characteristic of the Scottish people. (8.35.)

Amendment proposed, in page 2, line 11, to leave out the words "a sum not exceeding forty," and insert the words "the sum of ninety,"—(*Mr. Campbell-Bannerman,*)—instead thereof.

Question proposed, "That the words 'a sum not exceeding forty' stand part of the Clause."

*(9.5.) MR. ANGUS SUTHERLAND (Sutherland): I have no desire to traverse the ground so ably traversed by my right hon. Friend who moved this Amendment, but I do desire to express sympathy with that Amendment on general terms, while indicating one or two reasons for its acceptance. In their own interests I think it is desirable the Government should accept the Amendment. They have already dealt, to the great satisfaction of the people of Scotland, with this question of the abolition of school fees, and it would greatly redound to their credit if they would complete the good work to which they have set their hand, and earn the gratitude of the people of Scotland to the full extent as they already have to a certain degree. This proposition is put before the Chancellor of the Exchequer as an alternative, and surely it is a great pity that he should propose to fritter away this money by handing it over to Local Authorities, while the work commenced stands in need of completion. I think we have the sympathy of the Lord Advocate in this matter. I do him the justice of assuming that, if he had his own free way, he would be glad to support this Amendment, but, owing to the exigencies of office, he has to support the Chancellor of the Exchequer. I will not do him the injustice to suppose that he is not in sympathy with the desire to confer this boon upon the people of Scotland. I may urge the proposal on Conservative grounds. We wish to look back to a state of matters such as existed in Scotland in days long gone past. We have heard from right hon. Gentlemen glorifications of John Knox, and here is an opportunity to carry out, on Conservative grounds, with application to modern interests and requirements, the grand doctrine of John Knox, that education in Scotland should be free. The Government should think themselves fortunate in having this £90,000 available for the

purpose, and devote it to the completion of the work they have begun. It would be a graceful thing to do, and would be in accordance with the principles they professed. I need scarcely insist upon how much this is wished for by the people of Scotland. I think it has been sufficiently shown that these school fees are exigible from poor parents just at the time when they are least able to bear the payment, and no relief of taxation will give relief when it is so much needed. I will not retort upon the Government the adaptability to circumstances they have exhibited in regard to this money. I shall be perfectly content to forego all such remarks if they will only accept the Amendment. Let them complete this work, with the commencement of which their administration is already connected, and the Government will leave an excellent monument behind them to declare that, whatever their short-comings in other respects, at least, they did this good thing for Scotland, and to meet the clear wish of the Scotch people. As regards the proposal of the Chancellor of the Exchequer, that this money should be given to County Councils, Town Councils, and Police Burghs, I think the amount is so infinitesimal, when it comes to be divided, that really I may say it will have no effect at all in giving relief to localities. It has also been pointed out by my right hon. Friend that the rate that has to be paid now to County Councils, and I refer particularly to County Councils, the effect being very small in burghs, that the rate is a Consolidated Rate, and the money going to the reduction of this would relieve the landlords and larger ratepayers, and would not reach the poorer ratepayers at all. Give it to the relief of school fees, and you apply direct relief to the poorer classes. I think this has not been sufficiently taken into account, for I am sure it is the poorer ratepayers the Government would desire to relieve. I also appeal to the Chancellor of the Exchequer not to stand too much upon his dignity in this matter, now that it has been made clear to him what the motives of the people of Scotland really are. It was due to him that this should be made clear, and I appeal to him on the broad ground that he should assist the Scotch people to maintain their educational position in the world. The Government proposition is that the distribution of this money should be according to valuation, and that, of course, means that the locality showing the larger valuation gets the larger share, and it is obvious that on this principle the apportionment will not be according to needs. Speaking for my own constituency, the part of the country with which I am best acquainted, I am certain, from the expressions of opinion at the time of the passing of the Local Government Act, that the feeling of the people is heartily in favour of free education not only for compulsory standards, but in the rural districts there is a strong desire for the application of the principle to higher education, that they may have a share in secondary education, such as is within reach of the inhabitants of burghs. I have still a hope the Government may accept the Amendment, but if not I shall have great pleasure in giving it the support of my vote.

*(9.15). MR. M. J. STEWART (Kirkcudbright): There can be no question that the Conservative and Unionist Party were quite agreed in giving free education to the people of Scotland, and the statements made by right hon. Gentlemen opposite that every conceivable piece of legislation should be thrown to the winds until the Irish Home Rule Bill was carried show that we should have heard nothing about free education if a Liberal Government had been elected on the last occasion. I must say, therefore, I am surprised to hear the vaunting statements of the right hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman) to the effect that free education was forced from the Government by Gentlemen opposite. The hon. Member who has just sat down appears to distrust the County Councils and the Local Councils in the burghs. One would imagine, after listening to many platform speeches in Scotland, that Gentlemen opposite were willing to trust the County Councils with anything; but I hold that we on this side of the House are really more anxious to show our trust in them than they are. We wish to say to the County Councils, "You know your districts. We give you

£50,000 amongst you. Do with it what you please."

*MR. A. SUTHERLAND: I make no complaint about the impartiality of the County Councils. What I complained of was that they were tied down to the Consolidated Rate.

*MR. M. J. STEWART: I maintain that my argument is strictly correct. I think we ought not to stint our trust in the County Councils in this House. We have given them very large powers already, and we wish to increase these powers, step by step. The hon. Member said the Lord Advocate had given way on this question, and then he made an appeal to him to give way further. I maintain that my right hon. and learned Friend has taken the proper course on this question. He is not going to consider one class only, but to give the money to the County Councils, for the benefit of all classes. There are many questions in the counties which require money in order that they may be properly dealt with, such as the parochial rates and the rates for roads, which press hardly upon tenant farmers and small proprietors. There is a tendency in many counties to expend more than has been spent, and if that expenditure can be reduced by £50,000, proposed to be devoted to the ratepayers, so much the better, not only for the proprietors but for every other class in the counties. This is just one of those question where, when one class benefits, all classes benefit. There has been no strong expression of opinion in Scotland in favour of getting this money for education, whereas there have been strong representations on the other side, and I, therefore, think the Government are taking the right course. I have not received a single letter in favour of handing over the £50,000 for free education. I hope the Government will stand by the proposals, and will not be led away by any specious arguments on the other side.

*(9.24.) MR. ESSLEMONT (Aberdeen, E.): The hon. Member has talked about trusting the County Councils. Will he and the Government agree to let the County Councils expend this £50,000 on any good purpose they, in their discretion, think wise? If not, what becomes of the hon. Member's argument about trusting the County Councils? The fact is, that the hon. Member, with his Conservative views, wishes that this money should be tied down for distribution by the wealthier part of the ratepayers, as a relief fund for themselves. That is really what it comes to, and the people of Scotland will be able to judge respecting the views the hon. Member entertains as to the discretion of the County Councils. I am obliged to the Lord Advocate for the courteous assistance he has given me in seeking to obtain information as to the destiny of this £50,000. The right hon. Gentleman has been clear and courteous in the answers he has given to my questions on the subject, and has, thereby, I think, enabled us to obtain a clearer issue than would otherwise have been the case before the Committee. The right hon. Gentleman has admitted that it is within the discretion of the County Councils to apply the whole of this £50,000 to relieve the landlords and proprietors of Scotland from the obligations they took up last year in regard to the Consolidated Rate. There are very few purposes to which, under the Local Government (Scotland) Act, it is possible to apply this money. There is the improvement of public health to which the money can be applied, I admit, for the benefit of the whole community; but, after all, public health lies at the doors of the proprietors. It is the duty of every proprietor to make the dwelling he owns healthy and fit for his tenants to live in. Therefore, we can dispense with the question of sanitation. Then we are induced to look at the Road Rate. That rate has never fallen at all heavily upon the great masses of the population in Scotland; it has fallen largely, and very properly so, upon the landed proprietors and tenant farmers. The obligation to keep up the roads has rested hitherto upon those who use the roads for the purpose of carrying on their business. We are consequently reduced to the old Consolidated Rate, which includes payment for police and other purposes in the counties, of a very light kind indeed. The obligations which are heavy in Scotland are the obligations in respect to the relief of the poor and the education of the people. The County Councils have no power to apply a single penny of this £50,000 to the people in these respects. Originally the Government proposed to apply the

money to the promotion of temperance, but, at the request of the Scotch Members, they withdrew their proposal, and now we have to apply the money to some better purpose. In making their original proposal, the Government had the good of the people at heart; will they, and my hon. Friend who has just spoken, accept the decision of the Representatives of the people of Scotland on this subject? My hon. Friend says he has not received a single communication from his constituents in favour of applying the money to the completion of the scheme of free education in Scotland. I have had many communications, and I have had none from Scotland which has not been in favour of applying this money to the completion of the scheme of free education. I believe the landed proprietors and large farmers, who will be benefited to some slight extent by this £50,000, will feel more pride and satisfaction by far in having the system of free education made complete, than in receiving the relief at present proposed. But we are not confined to free education. It has been a matter of great regret to every educationalist in Scotland that while we have got the great boon of free education up to Standard V., we suffer greatly from the want of opportunities for secondary and higher education. Here young people are forced through Standard V. at a very early age—often at 11 years of age, and certainly in all cases at 12 years of age. These young people, on account of the necessities of the families, are sent out to work. They have no chance of receiving secondary, or higher education, and, to a large extent, they lose the education they acquired in their young days. The people of Scotland have long desired the establishment of technical and evening schools. Such schools exist in large industrial centres, owing to endowments which have been wisely given by the Endowed Schools' Commissioners; but they are entirely wanting in the counties of Scotland. Not only do the people want evening schools and schools for technical and higher education, but they feel that if no other purpose could be found to which to devote this £50,000, the money might be usefully employed in establishing free libraries in large centres of population. I hope the Lord Advocate who, on several occasions, has taken a liberal view of Scotch affairs will not take the retrograde step of relieving the landed and wealthier classes at the expense of damping the aspirations of the people of Scotland in respect to secondary and higher education. If a poll of the Scottish people were taken, I do not think there would be half-a-dozen Scotch Members who could come to the House and say that the landed proprietors and the larger farmers are desirous of absorbing the whole of this £50,000. If the money is applied as now proposed, it will do no good to any large class of the community, and it will be received with no thankfulness by the County Councils.

*(9.38.) MR. HOZIER (Lanarkshire, S.): During his political career hitherto, I venture to think the right hon. Gentleman the Member for the Stirling Burghs has only been celebrated for one magnificent phrase, the phrase of his "having found salvation," but to-night he has used another phrase which will become celebrated, and which I trust every ratepayer in the country will carefully note, namely, "the naked and brutal relief of rates." Surely that is a form of nakedness and that is a form of brutality of which no Government need be ashamed. Undoubtedly, from every point of view, this is a question of rates. According to the plan of the Government it is proposed to hand this money over to the County Councils, and a considerable portion of the money will probably go to the relief of the Road Rate. That rate is paid half by the occupier and half by the owner, and relief to that rate will be warmly welcomed by too long suffering ratepayers. I think I have some right to speak on this subject, because it was actually on my Amendment that the Government were run so close last year, that they gave way upon the question of the large additional grant for free education. I acted with the hon. Member for Aberdeen (Mr. Hunter) as teller in the memorable Division in which the Government majority was reduced to 13. The object we had in view last year was to secure the entire freedom of the compulsory standards in Scotland. With the addition of the £40,000 already allocated, the compulsory standards will, according to the proposals of the Government, be set perfectly free. But the right hon. Gentleman says that he would

put no limit to the freeing of education. Does this mean that the Universities are also to be free? ["Hear, hear!"] I congratulate hon. Members opposite on having the courage of their convictions, because I do not think that the ratepayers of Scotland will support them in that proposition. I am myself in favour of all the standards in primary schools in Scotland being free; but where, at present, is the money to come from? The sum now allotted to the relief of rates was never meant for education. Next year we have every reason to hope that free education will be granted to England out of Imperial funds, and, of course, Scotland will then receive her share from the same source. The people of Scotland will then be able to free all the standards in the primary schools, and will also have a very considerable sum for the relief of rates; but, in the meantime, let the Committee be just before it is generous.

(9.44.) SIR G. TREVELYAN (Glasgow, Bridgeton): I am glad to take part in this Debate before it partakes in any sense of a Party character, because I want to lay before the Committee a practical argument which I think is unanswerable. I recognise the practical interest the hon. Member for South Lanarkshire (Mr. Hozier) has shown in freeing education in Scotland. He says that he and we last year did not go further than urging the Government to set free the compulsory standards. That is quite true, because the money which we were dealing with last year was not sufficient even to free the compulsory standards. But now Providence, in the shape of this distribution of the Spirit and Beer Duty, has placed before us this sum of money we never expected, and now we make a further demand. The hon. Member for South Lanarkshire asks whether we put any limit to free education, whether we desire to set free the high schools and the universities. I reply that we want to make elementary education free in Scotland; we wish to set free all the standards in the elementary schools. Do hon. Members know what the state of elementary education in Scotland is at this moment? It is free in the lower standards, but parents have to pay in the higher standards, in almost all cases, and so the higher standards are omitted. At present the parents of children in the Sixth Standard pay fees in 2,310 schools in Scotland. And what, after all, is the Sixth Standard? It consists of reading aloud with appropriate expression, writing a short letter on a given subject, and working out some extremely simple questions in arithmetic. In addition there are what are called class subjects, which consist of intelligent explanation of passages in English read by students, learning by heart 150 lines of poetry, and answering a few questions on the geography of the world and British colonies and dependencies. In addition, there are certain special subjects which may be taken up in a very humble and elementary manner by children in the Sixth Standard. Now, I ask hon. Members, and Scotch Members particularly, whether this presents such an extended system of education that we should be satisfied if only a few children reach it? Out of 648,000 children on the register, and 510,000 in average attendance, less than 30,000 attain the Sixth Standard. The main cause of this is that parents of the working classes are tempted and induced to take their children away from school because, after a certain point, the fees increase with the standard reached, until the amount becomes considerable to the poorer class of people. I have a paper here which gives the highest and the lowest fees charged in the different standards. The minimum fee rises from 2d. to 3d. and from 4d. to 4½d. in the Sixth Standard, and the maximum from 6d. to 9d. and from 1s. to 1s. 6d. I maintain, therefore, that this increase of fees is the reason why so many children in Scotland are removed from school before they reach the higher standards. I hope the Government will not yet commit themselves to a proposal that will perpetuate this system. I may remind the Committee of the Report of that important Commission upon educational results in England, and I may quote a few lines from the minority Report of that Commission, to which great weight will be given, as being the Report of very eminent, practical educationalists, and which cannot be considered prejudiced, as my right hon. Friend (Sir W. Hart Dyke) will agree. The Report says—

"We think that in no case should fees be raised with the standard in which the children are being educated. The increase of fees as the children get higher, has had an increasing

tendency to drive the children prematurely to work."

Now, I would ask hon. Members to consider, if this is the effect of raising the fees, how much more is the effect of driving children prematurely from school likely to be brought about when it is not a question of raising fees merely, but of instituting fees for the first time on entrance to the Sixth Standard? Yet the Government, by the course they propose to adopt, would help to perpetuate this unsatisfactory state of things, and I venture to say that their action will cause much disappointment in Scotland. There are 44 schools in Scotland where fees are paid in all standards. In Glasgow, 10 schools have been picked out, and in these fees are paid, and from these schools children of poorer parents have been evicted by the hundred, and are obliged to walk past the doors of these schools to some distant and less efficient schools where fees are not charged. In good faith the Glasgow School Board have made this arrangement; they have not money enough to free all the schools, but the result is that the attention of people interested in education is concentrated upon these 10 schools, and diverted from the other schools. The poorer children, the ragged children, the waifs and strays, are concentrated in the free schools, and socially and morally there is a tendency in these schools for the tone to deteriorate, they having no proportion of the better class poor children among them. The hon. Member for Kirkcudbright (Mr. Stewart) says it is necessary to be just before we are generous, and we should give relief to the ordinary ratepayers, but just see what the relief would be to Glasgow. A sum of £7,000 falls to the share of Glasgow, and at the very outside that is a relief of ¾d. in the £1. On the other hand, concentrate the relief upon education, and you assist people at the very moment when they want it most, when their children are young. A good deal has been said about the wish of Scotland in this matter. I will not refer, as others have done, to coming elections, but I will simply direct the attention of the Government to the coming Division of the Committee to-night as an indication of the feeling of Scotch Members, and of Scotland, on the question. Let this be the test. Let me remind the right hon. Gentleman the First Lord of the Treasury of the very effective speech he made in St. Andrew's Hall, Glasgow, last year, when he said that in the carrying out of these financial proposals for the assistance of local rates, deference had been paid by the Government, deference which it was their duty to pay, to the expression of Scotch opinion. Let him pay that deference now to that opinion as it will be expressed to-night. The Division will show that Scotland unquestionably desires that this £90,000 should be given to free elementary education, and the amount is just sufficient to enable the much-desired object to be carried out, with a few thousands on the right side. It has been said that we have been trying this Session to legislate for classes, and not for the benefit of the people as a whole. Each side has been charged with this by the other; but here, at all events, is an opportunity to do something for the benefit of an entire community, something for which they will be grateful; and I appeal especially to those who are in favour of free education not to let this opportunity pass. Here we have an opportunity to accomplish an object thoroughly and completely. To those who are nervous about free education, I would direct attention to the present state of things in Scotland. They will see that all the harm that could happen from free education in Scotland has been done already. If free education makes men dependent, and robs them of self-reliance, that has been done already, because all the dependent and non-self-reliant classes already get their children paid for. But you have stopped exactly at that point, and I say, if the system be left as it now exists, there will be an immense temptation to parents to remove their children from school before reaching those subjects which have been the glory of Scotland in the past. The Amendment, if adopted, will avert a great blow to all that is best in Scotch education. I have not discussed the matter from a Party point of view, and I hope the Government will agree to do that which will be so much to the benefit of Scotland. If they do, the House will never have done a better day's work, nor will the Government have ever made a more gracious concession.

Sir G. Trevelyan

(10.2.) THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): The right hon. Gentleman felicitated himself upon rising at that opportune moment in the Debate, up to which no Party element had been introduced. He has qualified himself for making that observation by having studiously absented himself from listening to the speech of his right hon. Friend the Member for the Stirling Burghs (Mr. Campbell-Bannerman). That speech was conceived in such a tone that even the speech of my right hon. Friend the Home Secretary at Birmingham must be made the subject of his comment—not because it was relevant to the subject, but merely because it was made by an opposing partisan. The right hon. Gentleman dilated with eagerness upon the ferocious attacks made by my right hon. Friend upon the dilatory tactics of the Opposition, but he failed to convince anyone of the relevancy of his arguments. Accordingly, I must congratulate the right hon. Gentleman the Member for Bridgeton upon the judicious method by which, when he has got points which he considers, with some justice, to be fair points, and points which are *ad rem*, he abstains from listening to the intemperate utterances of some of the more furious and violent spirits of his Party. The right hon. Gentleman the Member for the Stirling Burghs rose to heroics such as we are not accustomed to from that quarter. I am sorry to observe that they have deserted him now, because I do not see him in his place. But in filling up the canvas with a very broad brush, he said the option presented to the Committee on the present Amendment was that, on the one hand, we might choose mere naked brutal relief of the rates, and, on the other hand, what he described, in what I observed to be written and deliberate language, as the widest diffusion of knowledge. This is a monetary question. We have to determine the allocation of £50,000, and the question is whether we are to descend into the abyss of political degradation involved in the handing over of this £50,000 to the naked and brutal relief of the rates, or whether we are going to offer up the £50,000 towards some evanescent wave in favour of "the widest diffusion of knowledge." The right hon. Gentleman pointed out that if we adopted the naked and brutal plan our money was not worth having. Yes, but rates sound in money, because they are made up of nothing else. Well, the right hon. Gentleman goes on in the strain the right hon. Gentleman the Member for Bridgeton (Sir G. Trevelyan) warns us against. He wanted to inquire whether we would discard an opportunity of showing our zeal for a policy to which he considers we are committed. If he means the policy which he most inaccurately described as free education—if that is the policy for which we are invited to show our zeal, may I retort with the very appposite question: "When did he begin to show his zeal?" He has been a Member of this House, and a responsible Minister for a number of years, but I cannot recall, and if he had been here I should have asked him to aid my recollection, any occasion on which he showed any such zeal. [At this point Mr. CAMPBELL-BANNERMAN re-entered the House.] I am asking when the right hon. Gentleman showed his zeal for free education, until free education had been introduced from another political quarter into the arena. It is not a question which has risen into existence or into prominence since 1885. It has been a standing problem for years, and therefore I think that before the right hon. Gentleman charges us with lack of zeal, he ought to look a little at his own record, and show that he was of the regenerate when we were of the unregenerate. I might further remind him that the essential ground of his politics, and the ground upon which he stands now, was only discovered by him to be essential in the year 1886. The right hon. Gentleman asks what I am talking about. If he makes an observation in a tone accessible to this side of the House, he must take the consequences; but this new apostle of free education transcends the limits not only of moderation, but of discretion, in describing the scope of his ambition. He tells us what he aims at is the widest diffusion of knowledge. But when he descends to more specific terms what is it I find? His spirit rises above even relevancy, and he has, in the most apposite and convincing, against himself, illustration, pointed to what he revels in describing as the old Scottish system of

education. It certainly was a most admirable system in one respect. A lad went to a parish school. He found that he got from the schoolmaster instruction in Greek and in Latin, and he went straight from the parish school to the University. Does the right hon. Gentleman propose that we should complete the scheme of last year by carrying this lad into his studies of Latin and Greek at the school?

SIR G. CAMPBELL (Kirkcaldy, &c.): No, no.

MR. J. P. B. ROBERTSON: But the right hon. Gentleman does not say no. That is left to his inconsequent supporter behind him. Well, the right hon. Gentleman does not propose that. No, but I do not think his theory or principles or aspirations will permit him to stop short of voting money out of the Local Taxation Account towards carrying enterprising boys into and through the University. The right hon. Gentleman assents to that. Well, then, let me put this question to him. What is your tariff? Would £50,000 suit you? Would £100,000 suit you?

SIR G. CAMPBELL: It might.

MR. J. P. B. ROBERTSON: The hon. Member who interrupts me has spoken on such a variety of subjects during the evening that I think he had better reserve his energies. I should like to ask any reasonable Member of the House this question: Is the demand made upon us—is the Amendment we are now considering an Amendment which implies that the House of Commons is to be asked to vote moneys arising from taxation to the purpose of educating boys at college? If so, let the ratepayers of Scotland know it, and let them know it over and over again. I cannot understand this new-born enthusiasm on such a large scale, because we are now rising, I am afraid, out of the region of the masses, and are following the classes into their ignominious and academic seclusion. You would really be subsidising the apostates from the cause of freedom, because you would be conferring a bonus on every one who leaves the elementary school and seeks a refuge among that class, which is the most widely denounced of all the others that are now proscribed, namely, the educated class. Therefore, I rejoice that I have drawn an exposition of policy from the Front Bench opposite. We now understand that the proposal is not merely to get to the Sixth Standard or to the specific subjects in the schools, but that you are going to carry boys through the course of training usually found in intermediate schools, and you are going to carry them through the Universities, and all at the expense of the ratepayers. No limit was prescribed. The only limit pointed out was that alluded to by the right hon. Gentleman the Member for the Stirling Burghs when he said he went in for "the wide diffusion of knowledge." "The knowable," then, is the limit for education at the expense of the ratepayers. If we are going to descend from the elevation to which the right hon. Gentleman the Member for the Bridgeton Division aspires, and if we are going into the question of Party politics, then I will gladly undertake to discuss the question in any constituency in Scotland whether the money of the ratepayers is going to be spent on academic and on intermediate education. The right hon. Gentleman has thought that it would promote general political interests, because he avowed that political interests was what he was speaking for. The right hon. Gentleman must pardon me for turning to the question of what is the alternative plan proposed by the Government. Now, he has resorted to a method which is the most crude that I have ever discovered in the demagogic party. I listened with some surprise to the right hon. Gentleman upon this account. He thinks, apparently, that it is a good plan to call attention to the amount of rates which are paid in the counties by landlords, and he deduces from that that we are making an attempt to give money to the landlords. There is a large amount of uninstructed sympathy with that statement among hon. Members opposite. How does the case stand? We are proposing to give money for distribution by the County Councils and the Town Councils throughout Scotland, and the

right hon. Gentleman says we are proposing to give it to the landlords.

*MR. CAMPBELL-BANNERMAN: I did not say you were proposing to give it to the landlords. I said, if the money was devoted as the Government propose, there is a chance of a large part of it going to landlords owing to the system of rating.

MR. J. P. B. ROBERTSON: Yes; but I think the right hon. Gentleman will grant me this—and, if he does not grant it the House knows it—that in describing our alternative scheme of relieving the ratepayers, he presented it as conferring a boon on the landlords. I want to show how the fact stands. We are giving this money equally between counties and burghs.

MR. HUNTER (Aberdeen, N.): No, no.

MR. J. P. B. ROBERTSON: The hon. and learned Member for Aberdeen speaks a great deal more frequently in the House than I do, and I really think when I am speaking I might be conceded a freedom from listening to him. I say we are giving this money between the counties and burghs of Scotland, and in what proportion between the two? The counties are about £13,500,000 of valuation, and the burghs are about £12,000,000. Accordingly, they are very nearly equal. In the burghs the rating is wholly upon the occupiers; and accordingly, in the burghs you are conferring it on the occupiers, to the exclusion of the landlords. I turn to the counties; and the right hon. Gentleman, who, by-the-bye, is a Scottish landlord, apparently is so ignorant of his own affairs that he does not know that of rates administered by the County Councils, the greater part falls, not upon the landlords alone, but half on landlords and half on occupiers. The rates levied by the Commissioners of Supply according to the last Local Taxation Accounts were £187,000, which fell on owners alone, and the road rates in counties were £255,000. I think I must say that liberties are being taken with this Committee when assertions are made by the right hon. Gentleman, who I do not say consciously misleads the Committee on the subject, when he leaves out of account the half of that which fell on the occupiers only, and then, turning to the other half, misrepresents it to this extent, that of the half he selects the greater part is a divided rate. Accordingly, I say, to represent the proposals of the Government as being an attempt to favour the class of landlords, is one of the wildest and most desperate attempts that has come from a quarter in which, I am afraid, such attempts are not infrequent. The right hon. Gentleman's proposal is marked by this characteristic at the outset, that, if such a proposal is carried out to its results, and unlimited by figures—and the right hon. Gentleman gave no figures—it carries with it consequences which are absolutely untenable if you have the slightest regard to the interests of the ratepayers. There are some Members who may be anxious to know how the facts stand about our educational scheme. Is there a necessity for a larger grant than £40,000? That is the question which is primarily before the Committee, but which has been voluntarily altered by the right hon. Gentleman. He has indulged in a long historical narrative, mostly entirely inaccurate, as to what took place only so lately as last year. Parliament is not committed in any sense or degree to the wild scheme of enfranchising or freeing education in Scotland. Nothing of the kind. When the Local Government Bill was introduced, the giving of the money to the relief of fees was an integral part of our scheme. Speaking with the special instructions of the Government, I said, in introducing the Local Government Bill, that we thought ourselves justified in proposing relief to fees, because, inasmuch as parents were compelled to pay fees for the compulsory standards, there was at least an opening given for the approval of Parliament to relief by the payment of these fees. I made no limitation on the subject. Our proposal related to the lower standards, but the principle we have asserted as regards the compulsory standards is irrespective of the

number. Is there the smallest warrant for saying that we have gone beyond that? I do not remember, except in the speeches or lectures of the hon. Member for East Aberdeen (Mr. Hunter) that there was on the part of hon. Gentlemen any recommendation of the wider scheme which is now enunciated. Most certainly, among the cautious utterances which came from that quarter, I do not think there was much said about the "wide diffusion of knowledge," spoken of by the right hon. Member for Stirling. Our proposals being thus limited, what I am concerned to show is, that we are now completing them by the grant of £40,000. In the first place, I want to ask this: To what extent is it that our present supply of money falls short of freeing the five compulsory standards in State-aided schools? Here is the answer. There are 3,134 State-aided schools. 2,981 have no fees in compulsory standards; that leaves only 153 in which there are some fees; but of these 13 are voluntary schools, which lie outside our scheme and do not take the grant. Forty-two are fee-paying schools in the large towns, where, I think, it would be preposterous to force people to go free when they want to pay, leaving only 98 schools in which the state of matters is this: that they come under the second alternative of our regulations and provide the first three standards absolutely free and only a proportion free in the Fourth and Fifth Standards. Therefore, the problem before us in order to confer free education in the State-aided schools in Scotland is merely to get rid of the payment of fees in 98 schools.

MR. HUNTER: I wish to ask the right hon. Gentleman how these figures are to be reconciled with the Return presented to the House on the 16th March, from which it appears that there are 25 schools only which are under the five standards, 16 where the grant is not claimed, and 42 where it is claimed.

MR. J. P. B. ROBERTSON: That is a very fair question. The hon. Member is quite accurate in saying the smaller figure was the figure at a previous date; but the increase to 98 has arisen from the fact that the School Boards found that they had outrun their funds, and accordingly they were reducing these School Boards which accepted freedom in the Fourth and Fifth Standard absolutely to School Boards in which freedom was only accepted for a proportion of places. Before leaving this subject, let me point out that, so far as the mere problem of dealing with free education in the State-aided schools within the five compulsory standards is concerned, we are limited to 98 schools alone requiring aid, but I see, and we have always seen, the force of the indication given by the increase from 25 to 98. Some of the School Boards have gone too far for their means, and they have enfranchised the standards without attending to their resources. If we were to stand by the 98—and I do not see any reason why it should be much increased—if we were to look a little ahead, we should have to regard the financial position of the School Boards generally, in order to conjecture whether more might come into the 98, so as to increase the number. And this leads me to consider the question of how stands the balance between the financial state of the school managers before our system was introduced and after. The right hon. Gentleman the Member for Stirling gave figures which, I think, he will find are not quite accurate. I will state what I believe are the accurate figures as regards, in the first place, the receipts of the School Boards and school managers when the system of fees for the five standards was permitted. They amounted to £315,000, of which £295,000 was paid primarily by parents, and about £20,000 by Parochial Boards as standing *in loco parentis* to poor children. I want to make this quite clear. In striking a balance sheet, of course, you take into account what is the alteration of the scheme as affected by your plan of last year. £315,000 is the sum we start from. But part of that is covered by the Sixth Standard and the extra standards. Therefore, to compare what the School Boards got as compared with what they gave up, you must reduce the total receipts

by the amount of the higher standards, which we do not touch. I do not know what hon. Gentlemen opposite consider to be the cost of the Sixth Standard and the special subjects, but they will not quarrel if I put it at as low a figure as possible —say 10 per cent. I understand that is a very low estimate. That leaves £283,000 as the amount of fees which we may ascribe to the five compulsory standards. Now, we already give £250,000, and we propose to give £40,000 more. Thus the Committee will see that while it requires £33,000 we give £40,000. Accordingly, I do think that we make adequately fair provision. The margin between £33,000, and £40,000 is on the footing that fees were probably rising when we did away with them. If a defect can be pointed out in this calculation it is on the side of our being more than liberal. Now, in what I say I am addressing myself to the Committee upon the footing that you are not going to adopt the mere general diffusion of knowledge, but stick to the compulsory standards. I pursue this because I think the point is important. It has been suggested, and I have not the least doubt that the reflection occurs to many hon. Gentlemen, that, after all, one can name places where there is greater deficiency in the rate than will be made up by the grant we propose. I conceive that to be the case, but every effort to equalise payments by a grant of this kind must necessarily regard the aggregate and not individual cases. I will tell the Committee why. Because the scale of fees varies to a very great extent. There are some places, which I could name if it were not invidious, where there is a heavy deficit. But these places are the rich and not the poor places. The reason of the deficit is a simple one: that in these places they have fixed high fees, that being merely an indication of their wealth, and it is in consequence of that that our grant, which is distributed according to the average attendance, is inadequate to fill up the gap made by the withdrawal of fees which are only calculated on their own affluent abilities. Therefore, it is in vain to pursue any plan for filling up gaps and holes in the finances of School Boards. If we do that, the result will be either that we shall give the money entirely over to those large and rich places, and give nothing to the poorer districts, or that we shall have to increase our additions enormously and give to the poor districts *pari passu* according to the emergencies of the richer districts created by requirements of which the poorer districts are entirely ignorant. I venture to think the Committee will appreciate the justness of the standard I suggested, and if that is so, is not the conclusive reason this: that in the bottom of their hearts and minds they know that the fair principle of distribution of this money ought to be, education or no education, the relief of the people who have to pay rates. There is, however, one point which I ought not to omit. I included 2,981 as the number of school managers who have no fees in the compulsory standards, but in that there are degrees of liberality. Of these 2,247 have abolished fees up to and including the Fifth Standard, but 734 have outstripped Parliament's notions of liberality and abolished fees altogether. Then there comes the question which has been boldly mooted by the right hon. Gentleman in his adventurous speech. I quite understand that if School Boards are so constituted that Members can retain their seats after having voted in favour of a wide diffusion of knowledge, Parliament cannot control them. That is quite a matter for them to determine, and if a programme of that kind finds acceptance in the arena of School Boards, good and well; but the question we have to consider is whether it is permissible to us to take money which in the first view belongs to the ratepayers, and apply it to those elevated and expensive notions. I think the Committee will decline to agree with them. I fully believe that education in Scotland is extremely popular. I am entirely in favour of giving all proper facilities for that purpose, but I do not think there would be any justification for Parliament to take away money which primarily belongs to the larger class of the ratepayers, and limiting the gift. [*Cries of* "No, no!"] Certainly the larger classes. Does any hon. Gentleman opposite pretend to such statistical knowledge as to believe that all people who pay rates have children at the Board or elementary schools?

That is putting an exception in favour of unmarried and childless people which is not to be found in Statutes. Is this the proper moment to make the present proposal? Why, of all others, it seems the very moment when it would be very unwise to make any fresh departure, to encourage any fresh unrecognised liabilities on the part of the rates or ratepayers towards the cost of education. It is an open secret that there are proposals in contemplation as regards England for assisting education by grants from public moneys. If so, it will be borne in mind when that method is applied to Scotland that the transaction of last year was not a vote of Imperial money to Scotch education, but was a surrender, an assignation from the Scotch ratepayers towards free education. Would it not be well to wait, leaving our hands free, having nearly completed the system to which Parliament is already committed, and enter upon the consideration of what is to be done for Scotland then, with all the fresh ideas furnished by the aspirations of Scotch opinion, and also enlightened by the experience of the last experimental year. I think the Committee would do wisely to adopt the proposal of the Government, and I cannot believe any defeat will be encountered by Scotch education if we do not limit our aspirations by what would be merely a tentative and somewhat limited plan.

(10.40.) MR. HUNTER: With one statement we shall all agree, that the policy of Her Majesty's Government was most incorrectly described as a policy of free education. I thank the right hon. Gentleman for the admission, because some of his friends in Scotland have been posing as advocates of free education, and have claimed credit to the Government for this policy. One point, then, is cleared up. I would remind the Committee that in endeavouring to extort from the Tory Party free education for Scotland, we have been engaged in a very difficult and arduous task. The policy of Her Majesty's Government has never been a policy of free education; it has been entirely opposed to free education, and they have never budged one inch, or made the slightest concession, except under terror of losing all Tory representation in Scotland. On December 21st, 1888, the application of the Probate Duty in Scotland to free education was suggested by myself about half-past 2 in the morning. I did not want a patent for the idea; I presented it as a free gift to the Chancellor of the Exchequer, because it appeared not to have occurred to him, and I told him he would make himself most popular if, instead of foolishly squandering the money on what he was pleased to call the rates, he devoted it to freeing education. I might as well have appealed to a stone wall. The right hon. Gentleman would not listen to me, and then, for once in my life, I made a great mistake. I allowed him to take the Second Reading of his Bill after 12 o'clock, when a simple objection would have stayed its progress. That was on Tuesday. On the next morning I repented of my error, and arranged with the late Mr. Biggar, the Whip of the Irish Party, that on the Wednesday his friends of the Irish Party should discuss those grievances which afflicted them until half-past 4, by which time I hoped I might bring the Chancellor of the Exchequer and Her Majesty's Government to reason. Sir, sweet are the uses of obstruction! Before 3 o'clock the Chancellor of the Exchequer surrendered to *force majeure* and consented to confine his Bill to the then coming year. The fact was, he had an engagement at dinner that evening; he had to meet the Civil servants at the Hôtel Métropole, and make what we all recognised as an important speech; so between the Irish Members in the earlier part of the day, and the coming dinner, the Chancellor of the Exchequer, much against his will, saw reason and consented to make his Bill applicable to the current year. That gave us an opportunity to test the opinion of Scotland in regard to the application of the Probate Duty. It happened that on this side there was exhibited an unanimous opinion in favour of education. What did the

Government do? After they were made acquainted with this unanimous opinion, they introduced a Bill which limited the application of the principle of free education to Standards I., II., and III. That was what we met with in the beginning of the Session of 1889, and that concession was made, but, I agree with the Lord Advocate, not because they hold the slightest possible inclination in favour of free education—I am sure they have not—but solely and simply to stave off the demand for free education and to defeat the purpose of those who are in favour of that proposal. What did the Government do after they had introduced their Bill in 1889? They stood to it in the firmest possible manner. I remember going with a deputation to meet the Secretary for Scotland, and it was very near the time when the Government Bill would be going into Committee, and the Secretary for Scotland put down his foot in the firmest manner and said he would have nothing to do with free education, and would not go an inch beyond the Third Standard. Well, we are familiar with the causes that induced the Government to go beyond that, and make another concession. We had a Division in Committee, and 52 Scotch Members voted against the Government, and only 10 in their favour. The next day the Government came down and announced another surrender. Therefore, I cheerfully recognise the claim of the Lord Advocate to be an enemy of free education and one who has not taken any steps towards it, except under external compulsion. The right hon. Gentleman is in this dilemma: As a matter of fact, at the present time very nearly a fourth of the schools in Scotland have adopted the principle of free education through all the standards—700 out of nearly 3,000. The argument upon principle is, therefore, not now an open one, because these schools which have abolished fees could not have done so without the express consent of the Education Department, which includes, of course, the right hon. Gentleman himself.

MR. J. P. B. ROBERTSON: Permit me to explain. The consent of the Scotch Education Department was limited only to certifying that certain conditions were fulfilled; assent was given to nothing beyond.

MR. HUNTER: That is open to another difficulty; that the Scotch Department, for what reason I do not know, sanctioned that relief in the case of 25 per cent. of the schools, and now they refuse it.

MR. J. P. B. ROBERTSON: Certainly, because the question was whether they came under conditions of which the Education Department was especially seized, and on this the Department assented to the arrangemont.

MR. HUNTER: Well, in 700 odd schools the Department have sanctioned free education.

MR. J. P. B. ROBERTSON: Assent was limited to those considerations with which the Department are conversant, the first five standards.

MR. HUNTER: Well, the fact is they did it.

MR. J. P. B. ROBERTSON: It is inconvenient to continue interrupting the hon. Gentleman, and if he continues repeating his statement, he must consider me as giving the most emphatic denial that courtesy will allow.

MR. HUNTER: Well, it is not denied that 734 schools have abolished fees in all standards. Now, I wish to say a word in regard to the alternative proposal, to which the Lord Advocate alluded. I should greatly regret if there should be any mistake or exaggeration on this point. The Government divide the £50,000 between the counties and the burghs, not according to the amount of the rates which are payable by them respectively, but according to their wealth, which is a totally irrelevant consideration. The result is, that for every 6d. given for the relief of rates in burghs, 1s. 6d. is given for the relief of rates in counties. That is a fact not capable of serious denial, because you find in burghs, rates are, roughly speaking, three times what they are in counties. You have adopted not

the standard of burden of rates, which would be relevant, but the standard of wealth, which is wholly irrelevant. It is in the power of the County Councils to apply the money in relief of the rates that are paid by landlords only. In Aberdeen 75 per cent. of the houses are under £10 rental; and the benefit would be 5d. to a man at £10, 3d. to a man at £6. For these ridiculous benefits the people of Scotland are to be denied the dearest wish of their hearts—the completion of the scheme of free education. I ask the Government to make this concession, because, in the first place, it is obvious that if we have a system of free education for the lower standards and begin school fees for the higher, we deal a deadly blow at these higher standards. But another reason for the concession is, that it is demanded by the almost universal opinion of Scotland. The distinction between non-compulsory and compulsory standards does not commend itself to the people of Scotland. Why should the Government, having swallowed the camel, now strain at the gnat? The total amount required is very small compared with what has been already given, and their refusal is viewed by the people of Scotland, not with amazement, but with absolute stupefaction. I ask the Government to remember that the tax out of which this money comes was imposed against the wishes of two to one of the Scottish Members. That taxation produces £200,000 a year, equal to 1s. per head of the population of Scotland, or an average of 5s. per family. When the working man is told that a fifth of that goes to the provision of pensions for the police, he will not unnaturally say, I would rather the 1s. went towards a pension for myself. Then another 1s. is to be expended on the extension of free education. That the people of Scotland are not only prepared to assent to, but they enthusiastically welcome it. What becomes of the other 3s.? You propose to give 1s. 3d. to the rates. But this will scarcely benefit the poorer ratepayer; he will only benefit to the extent of the 3d., while the richer ratepayer will not only get all the 1s. 3d. which is intended to go to him, but also the 1s. which is withdrawn from the poorer ratepayer. Still you have 1s. 9d. left, and what does the Chancellor of the Exchequer say about that? He says "I cannot give that to you; I must give that to England." And thus the whole of the 5s. is disposed of, and a more outrageous or more iniquitous financial proceeding it would be difficult to imagine. Out of the £200,000 you are giving the working man only a paltry 3d. or 4d., a result that is at once ludicrous and scandalous. All I can say is that the Scotch Members will not consent to this waste of money, and that they are determined that their schools shall be free from top to bottom. There are magnificent palaces of education in Scotland, but over their portals is written "The sons of working men not admitted here." I hope that the Chancellor of the Exchequer will reconsider the matter, that he will compare the advantages to be gained by concession with those likely to result from resistance, and that he will make provision out of this Fund to abolish all school fees in Scotland.

(11.5.) MR. SINCLAIR (Falkirk, &c.): I think the appeal of the hon. Member is not likely to be successful by reason of the manner in which he has treated the concessions made last year to those who, in the course of the Debates on the Local Government Bill, demanded Free Education for Scotland, I do not think it was fair for the hon. Member for Aberdeen to claim for himself and his friends the credit for the concessions granted last year by the Unionist Government. But I am sorry that the hon. Member was not the only speaker to introduce Party considerations into this Debate. I think the Lord Advocate would have been better advised had he not taunted the right hon. Gentleman the Member for Stirling Burghs with the introduction of Party politics into to-night's Debate. He taunted him with a new born zeal for free education, and said his only limit was the widest diffusion of knowledge that can be given. I

venture to say that the Scotch people care very little as to when the right hon. Gentleman first came to the conclusion he now seems to hold, that education throughout the elementary schools of Scotland should be free. This is absolutely a non-party question in Scotland, and I say that the opinion of the people, so far as I have been able to gather it, is that, as far as possible, elementary education should be free. I represent not a rich city like Edinburgh, or a rich burgh like Glasgow, but comparatively poor districts, and on their behalf I can only express regret that the Government have not seen their way to giving a larger sum than they propose for educational purposes. To carry free education from the elementary schools to the higher schools, and from the higher schools to the University, may be a dream of the future, but it is not desired at the present time by the Scotch people; at this moment they only desire to see elementary education absolutely free, and that is the reason why we ask the Government to grant a further sum. I appreciate the difficulty in which Her Majesty's Government find themselves. Of course they do not know if the extra duty on spirits and beer will be imposed for a longer period than one year, and if they freed all the standards now they would be committing themselves to the proposition that the standards other than the compulsory ones should be free in the future. I admit that it is not unreasonable for the Government to say that, at any rate for this Session, all they can do is to free the compulsory standards. But why should the Government refuse the suggestion that has been made to them, that they should give the County Councils the right, if they deem it advisable, to apply some portion of this money to the purposes of education, so that the County Councils may hand some part of the money over to the School Boards to lessen the burden of fees? The right hon. Gentleman the Chancellor of the Exchequer stated, in answer to a question I put to him the other day, that it was not in the power of the County Councils to give grants for educational purposes, as they had no control over such matters. But if he will not go so far as is suggested in the Amendment of my right hon. Friend, he surely might make some concession, and allow County and Town Councils to grant for educational purposes some portion of this money if they so decide, so as to lessen the burden of school fees. It must be remembered that in the Debate last year, some of us protested strongly against the proposals of the Government to free the lower standards. We felt that if anything was to be done for the relief of education, it should be rather by abolishing the fees in the higher standards. During the whole of last year's Debate there was an Amendment on the Paper in my name which suggested that. The Amendment we are now discussing is a step in the same direction, and unless Her Majesty's Government modify their scheme by accepting the Amendment of the right hon. Gentleman the Member for the Stirling Burghs, or by adopting the suggestion I have mentioned, very few of the Scottish Members will support Her Majesty's Government on this matter. The Scottish people are anxious to see elementary education entirely freed from school fees, and I hope Her Majesty's Government will meet this widespread feeling, and the all but unanimous wish of the Scotch Members.

*(11.16.) SIR LYON PLAYFAIR (Leeds, S.): When we discussed in this House the proposal to appoint a Minister for Scotland, I expressed my fear that the Lord Advocate would be the Minister for Education in this House, and that the real Minister would be in the other House. The speech of the Lord Advocate to-night has confirmed my worst apprehensions as to the manner in which Scottish education would be dealt with. The right hon. Gentleman has spoken of the "wild scheme" of free education for Scotland. Will the right hon. and learned Gentleman hold that language in the constituencies at the next General Election?

MR. J. P. B. ROBERTSON: Certainly, sir; and I shall state the matter exactly as I did to-night—the "wild language of the scheme as stated by the right hon. Gentleman opposite."

*Sir L. PLAYFAIR: The right hon. Gentleman spoke of "the wild scheme of free education."

Mr. J. P. B. ROBERTSON: Yes, the word "the" being demonstrative of the scheme of the right hon. Gentleman, including free University education.

*Sir L. PLAYFAIR: The whole of the right hon. Gentleman's speech was against free education in Scotland in the upper standards, though the principle of the Scotch system is to encourage higher education in public schools. The right hon. Gentleman appears to have wholly mistaken the principles which have ruled Scotch education in the past. I should not have objected if the right hon. Gentleman had done for Scotland what the Chancellor of the Exchequer has done for Wales in the matter of intermediate education. On the contrary, I should have been exceedingly pleased. What we ask is that the Government should free the upper standards as they had freed the lower. The great bulk of the Scottish Members request that the money shall be applied to that purpose. Why should not the Government be gracious and carry out the work they have begun? The right hon. Gentleman, whose speeches I always read with interest, took much credit at Inverness last year to the Government for having freed education in Scotland. But, if he wishes the Government to retain that credit, if he wishes them to hold a position in Scotch politics in the future, I would advise them not to apply this money to a mere reduction of the rates, but to accede to the wishes of the Scotch people and free the upper standards.

(11.23.) The Committee divided:—Ayes 188; Noes 164.—(Div. List, No. 207.)

*(11.36.) Mr. C. S. PARKER (Perth): I hope that the Government, after the Division just taken, will be open to argument. I think that the Lord Advocate will not find it easy to defend in Scotland the language he has uttered in this House. It is the general wish of Scotland that education in all the standards should be free; it is not a wild scheme which is entertained either by my right hon. Friend the Member for the Stirling Burghs, or by anyone else. It is the deliberate conviction of teachers, of School Boards, and of others who best understand the question, that it is not well to confine freedom from fees to the compulsory standards. I hope that the Government will re-consider the position, and will not limit the application of this money, so cut down as it now is to £40,000. There are many School Boards in Scotland which have freed all the compulsory standards, and in their case if this money may not be applied to the higher standards it will become simply a grant in relief of the rates. Why should not the Government leave it open to School Boards to use the money at their discretion, subject to the approval of Dover House? I have only one other remark to make. Whereas the Lord Advocate seemed to put his foot down firmly against going beyond abolishing the fees for the compulsory standards, yet, afterwards, he seemed to forget that principle when he dwelt on what might be done for Scotch education next year, and agreed that whenever England got money from National Funds for purposes of free elementary education, Scotland should insist on having a corresponding sum for higher instruction.

Amendment proposed, in page 2, lines 13 and 14, to leave out the words "of children in the compulsory standards of the Scotch Code.)"—(*Mr. Charles Parker.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

(11.43.) Mr. J. P. B. ROBERTSON: I can hardly suppose that the Committee will expect any formal reply from me on the Amendment moved by the hon. Member, which is manifestly within the scope of the Debate which has just closed. The question between the compulsory and non-compulsory standards was the gist and essence of that debate. The hon. Member has totally misconceived what I have said. I have not indicated, and

did not intend to indicate, that in future years the non-compulsory standard will be the subject of any grant by Parliament.

(11.44.) MR. D. CRAWFORD (Lanark, N.E.): I think we have reason to complain of the manner in which this important subject has been treated by the Lord Advocate. The right hon. Gentleman spoke of the proposal of the right hon. Gentleman the Member for the Stirling Burghs as if it was a wild and vague proposition for the diffusion of useful knowledge. The Lord Advocate evidently spoke under great excitement in the greater part of his speech, which must have been intended as a reply to some castigation which he had previously received from my right hon. Friend, because the speech of the Lord Advocate was in no way relevant to the speech of my right hon. Friend. If my right hon. Friend feels that he has been extinguished by the exuberant eloquence of the Lord Advocate, he must feel he is buried in flowers, because such an accumulation of flowers of rhetoric as the right hon. and learned Gentleman presented to the House we have rarely had the advantage of hearing. Indeed, I was glad when at last the right hon. Gentleman came to figures, and returned to his accustomed clear style of oratory. This question of devoting the money to freeing non-compulsory standards is a very important one for Scotland. I for one disapprove altogether of this system of grants in aid by which one interest after another is sought to be bribed. We have some reason to complain, when we have a useful object on which almost all the Representatives of Scotland are at one, that the Chancellor of the Exchequer takes no pains to ascertain what the wishes of the Scottish people are; and when they are forced on his attention, he attempts some means for the disposal of the money which will go contrary to our wishes. There is no object of legislation which Scotland cares for that the Chancellor of the Exchequer does not find some opportunity of flouting and thwarting, and though I believe there is just reason to complain of the manner in which Scottish business is neglected in this House, it is with regret that I observe when proposals about Scottish Home Rule are mooted, which we think extreme, the Chancellor of the Exchequer makes it impossible for us to give an answer to them to our constituents. From the point of view of Party, the proposal of the Chancellor of the Exchequer will do the Opposition nothing but good, but I would rather see the people get this boon than secure a Party advantage, and I therefore appeal to the Government at the eleventh hour to assent to the Amendment.

(11.52.) MR. CALDWELL (Glasgow, St. Rollox): According to this clause, the £40,000 can only be applied for the purpose of freeing education in the compulsory standards. Yet the statistics quoted by the Lord Advocate shew that these standards are already free in all the elementary schools, and that more money is not required. You are dealing with Imperial money, and I maintain that every portion of Scotland is entitled to a share of it, and that it is wrong to impose a restriction that the money shall be applied to freeing education in the compulsory standards. I contend that the money could not be better spent than in freeing the higher standards, and in that way, you will be placing all your schools in the same position as the 734 schools which charge no fee whatever. I hope that the Amendment will be carried.

(11.55.) DR. CLARK (Caithness): In Caithness all the compulsory standards in the schools are free. The rates in that county are high, varying from 2s. to 4s. 6d. in the £1, and the fees low, and I am anxious to know whether we are to lose our share of this money.

(11.56.) MR. J. P. B. ROBERTSON: No, Sir. The schools indicated by the hon. Member will participate in the grant just as the others would.

*(11.57.) MR. C. S. PARKER: If the Clause passes in its present form, will a School Board be able to pay the fees in the compulsory standards out of this grant of £40,000, and then apply money from the Probate Duty to the sixth standard?

(11.58.) MR. J. P. B. ROBERTSON: Yes, Sir. The condition of the payment will be, that the Boards shall free the compulsory standards. When that is done, they may deal with the rest of the money as they please.

(11.59.) MR. HUNTER: I cannot agree with that construction of the clause. It is distinctly stated that the £40,000 shall be applied for the compulsory standards, and the effect of that will be that those schools which provide for more than the five standards must necessarily be deprived of any share of this grant.

It being Midnight, the Chairman left the Chair to make his Report to the House.

Committee report Progress; to sit again to-morrow.

TENANTS' COMPENSATION BILL.

(No. 259.)

Considered in Committee, and reported; as amended, to be considered to-morrow.

FISHERIES REGULATIONS (SCOTLAND) BILL.—(No. 53.)

Order for Second Reading read.

MR. MARJORIBANKS (Berwickshire): In moving the discharge of this Order I claim the indulgence of this House while I say a very few words. Six years ago I was asked by the then Government to preside over a Committee appointed to inquire into the question of the Scotch Fisheries. I was asked to state what were my views upon the subject, and to put them in the form of a Bill, which I did. That Bill, however, was not passed. I subsequently reintroduced the measure with certain Amendments, but the Government said they would themselves take up the matter. They did so, but their measure was nothing but an emasculated edition of my Bill. The matter is one of very great importance to the fishing interests of Scotland, but the Government have not been able to see their way to obtaining a full consideration of the measure this Session. It would have been perfectly possible for them, at any rate, to have passed a simple measure dealing with the important matter of the mussel fisheries. I beg to enter my strongest and most indignant protest against the way in which the Government have neglected the Scotch fishery interests, and having done that I move that the Order be discharged and the Bill withdrawn.

Order for Second Reading read, and discharged.

Bill withdrawn.

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT (1862) AMENDMENT BILL.—(No. 181.)

Bill read a second time, and committed for to-morrow.

House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, 29th July, 1890.

ALDERSHOT ROADS BILL.—(No. 219.)

Committed for Thursday next.

LONDON STREETS (REMOVAL OF GATES) BILL.

Reported from the Select Committee with Amendments.

HOUSE OF LORDS OFFICES.

Second Report from the Select Committee made, and to be printed. (No. 233) : To be considered on Friday next.

CUSTOMS CONSOLIDATION ACT, 1876, AMENDMENT BILL.—(No. 152.)

Reported from the Standing Committee for Bills relating to Law, &c., with an Amendment : The Report thereof received; and Bill re-committed to a Committee of the Whole House on Thursday next.

MARRIAGES IN BRITISH EMBASSIES, &c. BILL.—(No. 167.)

Reported from the Standing Committee for General Bills, with Amendments: The Report thereof received: and Bill re-committed to a Committee of the Whole House on Thursday next; and to be printed as amended. (No. 234.)

PHARMACY ACT (IRELAND) (1875) AMENDMENT BILL.—(No. 172.)

Reported from the Standing Committee for General Bills, with Amendments: The Report thereof received; and Bill re-committed to a Committee of the Whole House on Friday next; and to be printed as amended. (No. 235.)

SHREWSBURY AND HOLYHEAD ROAD (ANGLESEA AND CARNARVON) BILL.—(No. 210.)

Read 2ª (according to order), and committed to a Committee of the Whole House on Thursday next.

ELEMENTARY EDUCATION (BLIND AND DEAF) BILL.—(No. 155.)

COMMITTEE.

House in Committee (on Re-commitment) (according to order).

Clause 1.

THE LORD PRESIDENT OF THE COUNCIL (Viscount CRANBROOK) : I have an Amendment in Clause 1. My noble Friend opposite, who takes an interest in this question, was anxious that deaf mutes should have at least eight years of compulsory education. In Committee that proposal was considered, on the footing that they should stay where they were being educated until they were 16 years of age. By the Bill they are made children up to the age of 16, but the compulsory attendance was only up to 14. In order to ensure that there shall, if possible, be the eight years' compulsory education, I propose, and my noble Friend assents, to leave out in line 7 the words "except in the case of a deaf child under seven years of age."

EARL GRANVILLE: I certainly regret to find that in the Standing Committee the general sense of the Committee was against the proposal which I made. The proposal was in accordance with the recommendations of the Commissioners; but as that was the case I regretfully acquiesced that the course of education should take eight years. The Committee recommended that the age should be 16, and I myself think that best. I accept the proposal which the noble Viscount has made.

Amendment moved, in line 7, to leave out the words "except in the case of a deaf child under seven years of age."

Agreed to.

Clause 12.

THE EARL OF KIMBERLEY : I have given notice of an Amendment for the purpose of being able to make some remarks upon this clause of the Bill. It is the clause which provides that the County Councils are to pay half the expense which has been incurred under this Bill.

VISCOUNT CRANBROOK : Half of the net expense.

THE EARL OF KIMBERLEY: Exactly so. The question how to provide for the expense incurred under this Bill seems, I fully admit, to be one of some difficulty. At first it certainly occurred to me that a better arrangement would have been that any relief to be given to particular School Authorities should be in the form of a contribution from the whole Union; but I quite saw, when I endeavoured to frame such an Amendment, that there are great difficulties in making such a provision, because the School Authorities are of two kinds under this Bill: there is the School Authority represented by the School Board, and there is the School Authority which is represented by the Attendance Committee appointed by the Board of Guardians. Of course, if you provide that a Union rate should be levied, then it must be levied by the Board of Guardians, and that would place them in some sort over the School Board. I do not quite see, I freely admit, how to frame such an Amendment. It is quite possible an Amendment of that kind might be framed, but I have not that minute acquaintance with such matters which would justify me in making such a proposal. To give the reason why I think on consideration it would be better that this clause should be struck out, my objection is a general one. I do not like the idea of making the County Councils mere conduit pipes for making payments to other bodies. A County Council is a body which ought to exercise an intelligent control over all matters where money is to be paid out of the County Rate; and, as I understand this Bill, all the County Council would have to do would be simply to supply so much money towards the expenses of these various School Authorities; it would have really no voice in the matter, except possibly to say that a particular expense would be a reasonable one. My own impression is that the proper course would be that each School Authority should provide for its own deaf-mutes and blind. If there are any deaf-mutes and blind children in a district, why should not that district provide for them in the same way as it provides for the ordinary unafflicted children who have to be provided for in the district? In large parishes, I do not think there would be any real objection. The only difficulty which I see is in the cases which I fully admit may exist where there are very small parishes, having to provide for such children. But I do not suppose the number of deaf-mutes and blind children would be considerable in any one of those parishes, and therefore I do not see that the burden would be very serious. What I contend is that if it is necessary there should be an additional grant made towards those particular parishes or School Boards, for the purpose of enabling these particular children to be educated. It would be far more reasonable that that should be a grant made by the Education Department than by the County Council. This is a matter of education. This Bill provides that the blind and deaf-mutes should be educated. Their education will necessarily, I apprehend, cost more than the education of ordinary children. If that is so, as it is a matter of national importance that these children should be educated, if any additional expense is incurred thereby, I do not see why there should not be a special grant made in that way, and I do not see why it would not be possible then to leave the various parishes to make their own arrangements. It would be entirely a matter of contribution towards the maintenance of larger establishments. Of course, I need hardly say that I do not intend to press the matter to a Division. My object is to draw attention generally to the nature of the clause, and specially to say what I think will be found to be the case, that there will probably be very considerable objections put forward throughout the country to making this provision by way of a rate to be paid by the County Council. I am not inclined to push the objection which I am going to mention very far, but the noble Viscount knows as well as I do what jealousy is felt in regard to the application of money derived from the rates for voluntary schools. Of course, these grants from the rates will be, in reality, applied for the maintenance of these poor children. But, as I have said, I am not inclined to press the objection on that ground very strongly; still, as it is an objection which obtains very strongly throughout the country I cannot help feeling that there will on that account be a great deal of opposition to this Bill,

which everyone must, I think, desire to see passed.

VISCOUNT CRANBROOK: I am very much indebted to the noble Earl and to the Committee for the way in which they have received the Bill and discussed it. I quite admit there are great difficulties in dealing with this question in England which would not exist in Scotland, because there they have schools where one system could be adopted throughout. Then with regard to the expense, I called the noble Earl Lord Kimberley's attention to the fact that it is the net expense that has to be dealt with, because under this Bill it will be observed that nothing is laid down as to the amount which the State will give for the purpose of this education, and, therefore, whatever it is the net expense will be whatever has to be provided beyond that. It may be according to the grant which will be given through the Education Department that the necessity for any large expenditure may be obviated. But I thought that was entirely a question for the other House, and, therefore, I have only put in that there should be that power through the Education Department to make a Parliamentary grant for this purpose. Then with regard to the Voluntary School question I think the noble Earl will see there is not much risk on that head in this case. For the blind and the deaf-mutes the amount of expense will be different. The expense of educating the blind will be much less than that of educating deaf-mutes, because, with the exception of the necessary embossed books and means of that kind for teaching them, there is nothing very exceptional in their case as regards expenditure. It is nothing like so great in regard to the numbers of taachers required, and so on, as in the case of the deaf-mutes. I believe the noble Earl opposite, who has acquainted himself so thoroughly with the subject, knows how few deaf-mutes can be taught by a single person. But with the blind that is different. Perhaps I may be permitted to say for a moment that there is a good deal of misconception entertained as to the duties of the Department with which I am connected. People write as if its duties were not merely to see to elementary education, but to continue the manual and technical instruction up to the age of 21. That, of course, is quite beyond the purview of the Department over which I have the honour to preside, at all events at present. That duty may be cast upon it hereafter, but at present it is not. Therefore, this Bill is confined to what I may call the "child age." It is only that with which we have to deal. In these cases the question of rates I quite admit is very important. I may recall the fact that I showed the noble Earl opposite and others a card which I had received, giving particulars of one case where a marriage between deaf-mutes produced five deaf-mute children, all practically falling upon the rates, that is to say, looking to charity in order to get their education. The Guardians in all cases have to find whatever money is found, except where the parents are in good circumstances and can contribute towards the cost; and I find the amount is as much as £18 per head. So that in that case of five children in one family there is a sum of £90 to be found for that purpose by one small parish which might not, in fact, be able to raise much more than that sum even if it had a 2d. rate. My idea was, as far as possible, to spread the burden of these children as has been done in other cases—diseased, sick, and others—so that they might be provided for in degree. Formerly, as your Lordships know, everything was charged upon each parish in London, but now all such charges are thrown on the Common Fund. And so with regard to the County Councils; the County Councils have at present, by the 24th section of the Local Government Act, to provide, in a great many instances, money very much in the same way as this. This, of course, will be a much smaller sum, one which will not press very heavily upon the Councils, or, indeed, upon the Unions. But there is one fact which the noble Earl has omitted to mention. In the case of a School Attendance Committee, the power belongs, of course, to the Guardians; but there may be a very large part of the Union under the School Boards, and there may be only a small part without the School Boards, and having Voluntary Schools. Therefore, the area would be a very limited one, as it is under the School Attendance Committee. That part which is outside the School Boards' districts forms an important part, because there the School Attendance Committee would, of course, have no power

of interference with the School Boards. Well, that being so, the noble Earl will see how very difficult it is to lay down any rule as to fixing the charge upon the Guardians. The subject has been most carefully considered. The Local Government Board was so extremely hostile to putting it upon the Guardians, and they made so many real *bonâ fide* objections upon the subject, that we thought that was the best way—though I do not myself think it a very good way—that was open to us to keep the expense within bounds. Those who have to provide for these children will have such help from the State as the House of Commons think fit to grant; and, in addition to that, the local bodies will contribute. I am much obliged to the noble Earl for letting me send down the Bill in that shape to the House of Commons, where it is much more fitting to be discussed than here. I do not think there is anything more that I need add with regard to this clause.

Report of Amendment to be received on Thursday next.

SETTLED LAND BILL.—(No. 185.)

Order of the Day for the Third Reading, read.

Bill read 3ª (according to order.)

LORD HERSCHELL: There is one Amendment which I have to move. It is really to carry out what the House decided. The Amendment was introduced by the noble Lord, Lord Feversham, in line 15, with regard to the restoration and re-building of the mansion house. The word "re-building" does not appear in the Bill as printed, and "restoration" does. I move, therefore, to leave out the word "restoration" and to insert "re-building."

Amendment agreed to.

Bill passed, and sent to the Commons.

FLASHING SIGNALS—ADMIRAL COLOMB'S INVENTION.

QUESTION—OBSERVATIONS.

LORD SUDELEY: I beg to ask Her Majesty's Government whether Admiral Colomb has accepted the offer of £2,000, which my noble Friend who represents the Admiralty stated was to be made to him in a letter which was to be sent to him?

Viscount Cranbrook

LORD ELPHINSTONE: In answer to my noble Friend's question, I can only say that there has been a quite unavoidable delay in sending the letter I mentioned to Admiral Colomb. That letter has now gone to him, and until we receive his reply I am unable to give the noble Lord the answer he desires.

SUPREME COURT OF JUDICATURE (PROCEDURE) BILL.

now

SUPREME COURT OF JUDICATURE BILL.—(No. 231.)

REMOVAL TERMS (SCOTLAND) ACT (1886) AMENDMENT BILL.—(No. 206.)

Read 3ª (according to order) with the Amendments, and passed, and returned to the Commons.

STATUTE LAW REVISION (No. 2) BILL.—(No. 230.)

Read 2ª (according to order), and committed to a Committee of the Whole House on Thursday next; and Standing Order No. XXXIX. to be considered in order to its being dispensed with.

House adjourned at five minutes before Six o'clock, to Thursday next, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 29th July, 1890.

QUESTIONS.

TONGA.

MR. ATKINSON (Boston): I beg to ask the Under Secretary of State for Foreign Affairs if he is aware that King George of Tonga has not carried out his promise to Her Majesty's Commissioner as to religious liberty and freedom of worship; and whether any steps are to be taken?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): The reports we have received on the subject are unsatisfactory, and Sir J. Thurston started last May for Tonga in order to make representations to the King with a view of bringing about a better state

of things. We have not yet received his Report, and have no confirmation of the telegrams which have appeared in the Press in the course of the last few days.

THE FACTORY AND WORKSHOPS ACT.

MR. BROADHURST (Nottingham, W.): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the decision of the Judges in the High Court at Edinburgh on the 14th instant, in the case of an appeal from the Court of the Sheriff Substitute at Dundee, under "The Factory and Workshops Act, 1878," and to the opinion expressed thereon by the Lord Justice Clerk that the fact that the woman alleged to have been illegally employed in a workshop having remained at work of her own "free will" and without the knowledge of the occupier, exonerates the latter from responsibility for the offence; and whether he will take the necessary steps to obtain from the High Court at Edinburgh a declaration of the legal construction to be put upon Sections 83, 86, and 87 of "The Factory and Workshops Act, 1878?"

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): Yes, Sir; my attention has been drawn to the decision of the Justiciary Court of Appeal at Edinburgh in the case in question. I have consulted the Lord Advocate, and am advised that there is no procedure by which the decision in this particular case can be brought under review. In view, however, of the importance of the question at issue, I have given instructions to the Chief Inspector, in the event of a similar case recurring, to take steps to bring the point of law involved again before the High Court of Justiciary for further consideration.

BURIAL GROUND AT WOOLER.

SIR EDWARD GREY (Northumberland, Berwick): I beg to ask the Secretary of State for the Home Department whether a new burial ground has been recently sanctioned at Wooler, which is to be held as an extension of the old churchyard; and whether 18 & 19 Vic. s. 3, which enacts that this can only be done by a unanimous vote of the ratepayers, has been complied with in this case?

MR. MATTHEWS: There has been at Wooler an extension of the old churchyard not provided under the Burial Acts or at the expense of the rates, but provided by private munificence and deed of gift under the 30 & 31 Vict., c. 133. No consent of ratepayers is required for the acquisition of a burial ground under that Statute, and neither Section 3 nor Section 10 of the 18 & 19 Vict., c. 128, is applicable to the case.

THE STEAMSHIP *BALLA*.

MR. J. KELLY (Camberwell, N.): I beg to ask the President of the Board of Trade whether his attention has been called to the case of "Jones *v.* George" which was tried before Mr. Burchell and a jury in the London Sheriffs Court on the 17th instant, in which the plaintiff was a boatman and a member of the lifeboat crew at Margate, and the defendant the captain of the steamship *Balla* which on 17th May last had stranded on the Goodwin Sands; whether, in view of the fact that the plaintiff testified on oath that when he went in the lifeboat to the rescue of the *Balla* and boarded her alone, the defendant struck him a violent blow and further caused or permitted the mate to cut through one of the ropes of the ship's ladder, so that the plaintiff's life was placed in danger as he was leaving the ship, he will cause such further inquiries as he may think desirable to be made into the facts of the case; and whether, if the evidence given on oath by the plaintiff in the case of "Jones *v.* George" be corroborated, he will consider the desirability of directing a Board of Trade inquiry to be held into the case with a view of considering the conduct of the captain and of the mate of the *Balla*?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): My attention has been called to this case, and I have ordered an investigation before a Local Marine Board into the conduct of the master and mate of the *Balla*.

DAIRY EDUCATION.

MR. ATKINSON: I beg to ask the President of the Board of Agriculture if he is willing to encourage donations

towards establishing butter making classes by grants of donations of a similar amount from his Department?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. CHAPLIN, Lincolnshire, Sleaford): I am exceedingly anxious to promote dairy education in the country, in which direction there appears to be room for considerable improvement in many districts, so far as the funds at my disposal admit of it. But before the Board makes any grant, it is necessary they should have a specific scheme before them; and any such scheme, I can assure my hon. Friend, coming either from himself or any other quarter, will have my careful consideration.

MR. FENWICK (Northumberland, Wansbeck): Has the right hon. Gentleman any objection to consider the matter with the view of facilitating dairy education in the country? Will not the Department over which he has control undertake to facilitate some such scheme?

MR. CHAPLIN: I am considering the whole subject now; but the hon. Member will recollect that the sum at my disposal is extremely limited, and the Board is only able, under its existing powers, to act upon the principle of helping those who help themselves. I have done everything in my power to promote and stimulate interest in the subject, but I am afraid that the development of any general scheme upon the subject can only be very gradual in character.

ISSUE OF SCOTCH RAILWAY TICKETS.

MR. LENG (Dundee): I beg to ask the President of the Board of Trade whether he is aware that it is the custom at many of the railway stations in the North of Scotland to issue passenger tickets only two or three minutes before trains are due, thus putting passengers to great inconvenience, and some danger, when they have to cross the railway to catch trains; whether the law requires that ample time should be given for procuring passenger tickets; and whether Railway Companies incur any penalties for not issuing tickets to passengers in reasonable time before the departure of trains?

Mr. Atkinson

*SIR M. HICKS BEACH: I have no official information on this subject. I have no reason to doubt that if too short a time is allowed for the issue of tickets at stations it would be productive of inconvenience, and might lead to some danger. The matter is not one in which I have any statutory power to interfere. The issue of tickets is in the hands of the Railway Companies, who are not under any legal obligations in respect to the time allotted for the purchase.

ZULULAND.

MR. WEBB (Waterford, W.): I beg to ask the Under Secretary of State for the Colonies, with reference to statements in "Further Correspondence respecting the Affairs of Zululand," Parliamentary Paper 6,070, has the Chief Yamela, mentioned on page 44, been, or will he be, rewarded with Usutu cattle for his exertions in putting down the disturbances; and at what time and place did Sir A. Havelock promise him a reward for his exertions?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): The Secretary of State has no information on this point beyond the passage in the Blue Book, not having yet received the further Despatch from Mr. Osborn therein promised.

THE POSTAGE RATES BILL.

MR. SUMMERS (Huddersfield): I beg to ask the Postmaster General if he can explain to the House why the Postage Rates Bill, which was read the first time and ordered to be printed on 22nd May, and the Order for the Second Reading of which was read and discharged on Thursday last, has not been printed and distributed to Members?

*THE POSTMASTER GENERAL (Mr. RAIKES, Cambridge University): It would, of course, have been necessary to print and distribute the Postage Rates Bill to which the hon. Member refers before I could have asked the House to read it a second time. But as at this period of the Session there did not appear to be any reasonable prospect of bringing the Bill on at a time when it could be fairly discussed, it appeared to me the best course to move to discharge the Order.

DUTIES OF WATER COMPANIES.

MR. TATTON EGERTON (Cheshire, Knutsford): I beg to ask the President of the Local Government Board whether his attention has been called to the quality of the water supplied by the Grand Junction Water Company, which contained on 24th July 33 per cent. more organic ammonia than the sample taken on 23rd July, 1889, and nearly double the amount of that contained in the Chelsea Water Company's water, namely, 16·4, as against 9·2, per 100 mil.; also the solids, on heating, showed a marked blackening, and the colour was of a marked yellow colour; whether this all indicates bad filtration; and what penalty attaches to supplying water of such an inferior character?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): My attention had not been called to the subject before the question appeared. I will make inquiries.

MR. T. EGERTON: I hope my right hon. Friend will recognise the urgency of this matter. There is now a large increase of enteric fever in the Metropolis, and this water is nothing but diluted sewage. I hope that a searching inquiry will be made without delay.

METROPOLITAN FIRE BRIGADE STATIONS.

MR. LAWSON (St. Pancras, W.): I beg to ask the Chancellor of the Exchequer whether he has considered a letter from the London County Council, of 26th April, showing cause for exempting the Fire Brigade Stations throughout London from liability to Inhabited House Duty; whether about 60 stations are maintained at a large annual outlay exclusively for public services; and whether, in order to increase the protection from fire thereby afforded to the population of the Metropolis, he will take any steps to meet their views?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): Yes, Sir; and I have instructed the Board of Inland Revenue to do all that is legally possible in the direction of exempting the London Fire Brigade Stations, and I believe that the result will be satisfactory to the London County Council.

BECHUANALAND.

MR. ALEXANDER M'ARTHUR (Leicester): I beg to ask the Under Secretary of State for the Colonies whether the land settlement which took place in British Bechuanaland after the extension to that country of the Queen's sovereignty, which received at the time the approval of the High Commissioner and of Her Majesty's Government, secured to the various tribes or clans of the Natives of the country certain tracts of land as an inalienable possession; whether the Administrator of British Bechuanaland has recently issued a legislative proclamation to determine the tenure of Native reserves, and to vest the title thereto in trustees, one of whom may be the Native Chief, thus more or less closely following the course recommended in the Cape Colony; whether this change has ever been requested by the Natives; whether they were consulted before the proclamation was issued; and whether it was made at the instance of Her Majesty's Secretary of State.

BARON H. DE WORMS: The answer to the first paragraph of the hon. Member's question is in the affirmative. Such a legislative proclamation as that mentioned in the second paragraph was issued 14 months ago. The land remains inalienable, except that provision is made for granting individual titles to natives in certain cases. There is nothing in the correspondence to show whether the natives requested that the proclamation might be issued, or were consulted about it previously. It was not issued at the instance of the Secretary of State, but has been approved by him.

THE INDIGO RYOTS.

MR. BRADLAUGH (Northampton): I beg to ask the Under Secretary of State for India whether any reply has been received to the Despatch sent to the Government of India as to the Indigo ryots; and whether he can now consent to the Return asked for?

THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): The Despatch was sent out on June 19th, and no reply has yet been received. The Secretary of State cannot tell whether the Return can be given till he is informed by the Government of India.

THE BURMESE DACOIT BOH YAN MYUN.

SIR WILFRID LAWSON (Cumberland, Cockermouth): I beg to ask the Under Secretary of State for India whether he has inquired into and can give any information regarding the statement of the *Times* correspondent at Rangoon, to the effect that a notorious Dacoit leader, having surrendered on a promise of pardon given him, has nevertheless been "sentenced to death after a trial conducted in an unsatisfactory manner?"

SIR J. GORST: The statements of the *Times* correspondent at Rangoon do not generally commend themselves for accuracy to the Secretary of State, but in this case he has inquired by telegraph whether there is any truth in the statement.

THE AMEER OF AFGHANISTAN.

MR. KEAY (Elgin and Nairn): I beg to ask the Under Secretary of State for India whether any engagement has been entered into by Her Majesty's Government, or by the Government of India, with the Ameer of Afghanistan, guaranteeing the integrity of his north-western frontier as delimited in accordance with the Protocol between Russia and this country of 10th September, 1885; and whether any further undertaking has been added to that contained in a Letter delivered to the Ameer on 20th July, 1880, the terms of which were repeated to him by the Government of India on 22nd February and 16th June, 1883, whereby the British Government reserved to itself the right to be the sole judge as to the occasion, nature, and extent of any military aid which it might grant to him in repelling foreign invasion?

SIR J. GORST: The engagements of the British Government with the present Ameer of Afghanistan will be found recorded at page 40 of the Return, Afghanistan No. 1, of 1881. They have not undergone any modification since that date.

THE NEW MAGAZINE RIFLE.

MR. HANBURY (Preston): I beg to ask the Secretary of State for War whether his attention has been called to the report in the *Times* of the practice with the new magazine rifle at Bisley:—

"Even in so short an exhibition the new service rifle was found wanting. Several men were obliged to fall out of the ranks because their rifles became jammed. I myself saw two men of the Royal Scots and one other man in this position. We have been shooting with Martinis for a fortnight, and there has been no jamming. We have seen the magazine rifle used for an afternoon, and there has been jamming;"

and whether this is due to defects in the rifle itself or in the cartridge?

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): My attention has been drawn to the statements in the *Times* to which my hon. Friend refers, and I have called for a Report on the subject.

THE SOUTHAM MAGISTRATES.

MR. COBB (Warwick, S.E., Rugby): I beg to ask the Secretary of State for the Home Department whether he will take steps to ascertain from the Clerk to the Magistrates at Southam, in Warwickshire, upon how many occasions, during the last five years, the business of the Bench has had to be adjourned in consequence of the non-attendance of a quorum of Magistrates; whether he is aware that, notwithstanding that the Lord Lieutenant of the county has done everything in his power to secure a sufficient attendance, serious inconvenience and loss of time have been caused to the public by these adjournments, and that attention has frequently been and is now being called to this in the public Press; and whether any steps can be taken to ensure in the future a proper attendance of Magistrates?

MR. MATTHEWS: I have to-day written to the Clerk to the Justices to ask for information on this matter, and will in due course acquaint the hon. Member with the result of my inquiries.

POSTCARDS.

MR. HOZIER (Lanarkshire, S.): I beg to ask the Postmaster General whether, as there seems to be a misunderstanding on the subject, he will definitely state whether ordinary correspondence cards with a halfpenny stamp affixed can be used instead of official postcards?

*MR. RAIKES: My answer to the question of the hon. Member must be in the negative. No cards but postcards

can bear communications of the nature of a letter without becoming liable to letter postage.

DUDDON ELEMENTARY SCHOOL.

MR. WALTER M'LAREN (Cheshire, Crewe): I beg to ask the Vice President of the Committee of Council on Education whether he is aware that the Duddon Elementary School, in the Parish of Tarvin, Cheshire, which was erected by a voluntary rate over the townships of Duddon, Burton, Clotton, and Stapleford, has had less than seven scholars in attendance at any time for the last two years; that the mistress and about 120 scholars, all except three, left the school in consequence of the action of the clergyman; that these 120 children are now being taught in a room which is so inadequate to the requirements of the Department that for two years it has declined to examine the school or to make any grant; and that the ratepayers generally wished the mistress to be retained, while the clergyman insisted on her dismissal; can he state what was the cause of the dismissal of the mistress; whether he will cause an inquiry to be made by the Department, with a view to the school being handed over to the ratepayers, who are willing to support it, or whether he will order a fresh election of school managers; and what steps he is prepared to take to see that the children of the township are taught in a school recognised by the Department?

THE VICE PRESIDENT OF THE COUNCIL (Sir W. HART DYKE, Kent, Dartford): I am informed that the facts of the case are, in the main, as stated in the first part of the question. The managers appear to have been dissatisfied with the teacher's manner, and the Department had no right to interfere with their discretion in dismissing her. I have no power to order an inquiry for the purpose suggested, nor to cause a fresh election of school managers, but I will see what can be done to bring the present unsatisfactory state of things to an end.

COMPOSITION FOR SHIPS.

SIR WILLIAM PLOWDEN (Wolverhampton, W.): I beg to ask the First Lord of the Admiralty whether any instructions for guidance in the application of compositions have been drawn up by Commander Pitt; whether he will lay these upon the Table of the House; whether the experts on the late Committee, or the technical dockyard officers, have been consulted as to the efficacy of these instructions as applicable to the various compositions used upon the bottoms of Her Majesty's ships; whether any of those supplying compositions to the Admiralty have been consulted by Commander Pitt with reference to these instructions, and, if so, what firms or agents; and what are the names of "the more costly and less durable compositions" reported against by Commander Pitt?

THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): My answer to the first two questions is in the affirmative. As regards the next two questions, I am unable, in the absence of Commander Pitt from London, to give the information required. As regards the last question, the least invidious and simplest method of answering it is to state that at the present moment the Admiralty have only standing contracts for four compositions, namely, Hay's, Peacock's, Crease's, and Rahetgin's.

THE MASTER OF THE HAWKS.

MR. HANBURY: I beg to ask the Secretary to the Treasury how much of the annual sum of £965, about to be commuted and paid in full to the Master of the Hawks for his sole use, was set apart for the employment of servants who are not now employed, and for the keep of hawks which are not kept; when such payments ceased to be applied to the purposes for which they were so set apart; whether these payments have since been applied by the Master of the Hawks to his own use, and what is the total amount of these payments so appropriated; at what rate the salary of the Master of the Hawks is to be commuted; and at what rate the payments for servants not employed and birds not kept are to be commuted?

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): The emoluments attaching to the Mastership of the Hawks as granted by the original patent were given in the Appendix to the Report of the Select Committee of 1887, according to which they consisted of—

salary of the master, £391 1s. 5d.; four falconers, at £50 per annum each, £200; allowance for hawks, &c., £782 10s.—total, £1,373 11s. 5d. These payments were subject to deductions in respect of land tax and fees, reducing to £965 the total sum payable to the Duke of St. Albans. It is not precisely known how these deductions were made, and therefore it is only possible to assume that they were made rateably from the salary and the allowances. On this assumption, £275 would represent the salary of the master, and £690 allowances. It is not on record when the allowances ceased to be applied for the purposes for which they were originally intended. The Treasury have no cognisance of the application of these allowances, but they have been advised by the Law Officers on more than one occasion that the payment of the allowances as well as of the salary is binding on the State. The Treasury, in the offer which they have made to the Duke, had in mind the recommendation of the Select Committee, that payments to holders of hereditary offices where no service is rendered should cease with the life of the present holder.

MR. HANBURY: Do I understand the right hon. Gentleman to say that the Treasury have made no inquiry?

MR. JACKSON: I did not say that the Treasury have made no inquiry. I said the Treasury have been unable to ascertain.

UNSKILLED MINERS.

MR. PICKARD (York, W.R., Normanton): I beg to ask the Secretary of State for the Home Department whether his attention has been called to a statement made by Mr. Martin, Inspector of Mines for the Western Division, to the effect that although "The Mines Act, 1887," prohibits unskilled persons working at the working face of the mine unless they have worked two years at the working face of the mine under the supervision of a skilled workman, four unskilled workmen may so work at the working face of the mine without having worked two years under the supervision of a skilled workman; and, considering the effect such an interpretation (if correct) of this section of the Act may have upon managers of mines, what instructions he will give to the Mines Inspectors generally on a matter involving the safety of mines and the lives of the miners?

MR. MATTHEWS: I am unable to trace in the Inspector's Report any passage bearing out the suggestion of the hon. Member, neither am I disposed to concur in the construction of General Rule 39 mentioned in the question. As I informed the hon. Member for Merthyr Tydvil in May last, I have no reason to believe that the Inspectors are unmindful of the rule or of the importance of enforcing it; and if any cases of a breach of the rule are brought to my notice I shall certainly take the necessary steps to secure its proper observance.

THE LLANERCH COLLIERY EXPLOSION.

MR. PICKARD: I beg to ask the Secretary of State for the Home Department whether he will lay upon the Table of the House a *verbatim* copy of the shorthand notes taken at the Coroner's inquest on the 176 bodies killed by the explosion at the Llanerch Colliery, Monmouth, on 6th February, 1890; whether he will give instructions to prosecute the manager and firemen for having violated General Rules 4, 8, and 12 of "The Mines Act, 1887"; and whether, having regard to the safety and well-being of our miners generally, and the Llanerch miners in particular, he will institute a special inquiry into the cause or causes of the explosion at this colliery, as provided in Section 45 of "The Mines Act, 1887"?

MR. MATTHEWS: I have no reason to believe that there is any widespread demand for these notes, which are voluminous, and I am therefore unwilling to sanction the expense of laying them upon the Table, which would be considerable; but I shall be happy to show them to any hon. Member who is interested in the subject. Having regard to the opinion expressed in page 12 of the Report of the learned counsel, I do not propose to give instructions that a prosecution shall be instituted. I consider that the able and exhaustive Report already made has rendered unnecessary a special inquiry under Section 45, which would not, in my opinion, be likely to tend to any further elucidation of the facts, or throw more light on the actual causes of the explosion.

MR. FENWICK: May I ask whether the right hon. Gentleman, after reading the rules, admits that there was any violation of Rules 4, 8, and 12; and may I also ask whether the right hon. Gentleman will undertake to lay on the Table the Minutes of the evidence taken at the inquiry?

MR. MATTHEWS: If there is any general desire, I would have them printed. Generally speaking, there are not more than half a dozen Members who desire to see such Papers. On a former occasion I found extremely few copies were asked for. The able gentleman who conducted the inquiry was of opinion that there was not sufficient evidence to justify a prosecution.

THE HOME OFFICE VOTE.

MR. PICKARD: I beg to ask the Secretary of State for the Home Department whether he can state to the House when the Home Office Vote will be taken?

MR. MATTHEWS: My right hon. Friend the leader of the House informs me that he cannot yet fix the day when this Vote will be taken.

CYPRUS.

MR. CONYBEARE (Cornwall, Camborne): I beg to ask the Under Secretary of State for the Colonies whether Her Majesty's Government are aware that in the Ottoman Empire it is the practice, as required by law, for the election of Bishops by the various Christian communities to be ratified by the Sultan, and Letters of Investiture (Berat) granted to the chosen Prelates by His Imperial Majesty; whether a request for this recognition by Her Majesty the Queen has already been made on behalf of the Cypriote Bishops by His Beatitude the Archbishop of Cyprus; and whether the Secretary of State will consider the advisability of recommending Her Majesty to grant to each of the Greek Orthodox Bishops of Kition, Kyrenia, and Paphos a Warrant under the Royal Sign Manual, confirming these dignitaries in the temporalities of their respective sees, to which they have been elected since the British occupation of Cyprus in July, 1878?

BARON H. DE WORMS: The answer to the first two paragraphs of the hon. Member's question is in the affirmative. With regard to the third, I would refer him to the concluding portion of the Secretary of State's Despatch of March 22 last (on pages 40 and 41 of Blue Book C. 6,003), in which it was explained that in the opinion of Her Majesty' Government the subject of episcopal dues was one which ought to be dealt with by the Local Legislature.

EXCESSIVE MORTALITY AMONG CORNISH MINERS.

MR. CONYBEARE: I beg to ask the Secretary of State for the Home Department whether he will grant the Return relating to the excessive mortality of the Cornish miners, which stands in his name upon the Orders of the Day?

MR. MATTHEWS: Yes, Sir; I am prepared to grant this Return.

ERZEROUM.

MR. BRYCE (Aberdeen, S.): I beg to ask the Under Secretary of State for Foreign Affairs whether he can now give the House any fuller information as to the deplorable conflict which took place in the end of June at Erzeroum, in Armenia, due to the desecration of a church by the Local Turkish Authorities, a conflict in which a very large number of Christians are reported to have been slaughtered by a mob composed in large part of Turkish soldiers; and whether any Report, and of what date, has been received from Her Majesty's Consul at Erzeroum upon this subject?

*SIR J. FERGUSSON: Later Reports have been received up to July 5 from Her Majesty's Consul at Erzeroum, but not differing as to the occurrences of June 20 and following days from those to which I referred in my answer to the hon. Member for Stoke-upon-Trent. Those Reports do not warrant the view of those occurrences taken in this question, but there was a lamentable loss of life and subsequent rioting. Order is stated to have been restored. A Court was inquiring into the occurrences, and when the reinforcements, which were near at hand, should arrive it was expected that the apprehensions which were still felt would be allayed. As I have already stated, Papers will be presented, when they will afford a satisfactory account of what has taken place.

MR. BRYCE: When will these Papers be presented?

*SIR J. FERGUSSON: These matters are still under inquiry, and it is impossible to say when the Papers will be ready.

PRISONERS' VISITORS.

MR. J. BARRY (Wexford, S.): I beg to ask the Secretary of State for the Home Department whether he has received direct information to the effect that at the request of James Egan, a prisoner in the Convict Prison at Chatham, a Member of this House had an interview with him yesterday (28th July,) when the prisoner wished to make a statement respecting a special grievance connected with his treatment in prison, that the warder who was present said he had special instructions not to allow any reference to prison treatment, or any allusion to be made to the recent inquiry held as to the treatment of certain prisoners in Chatham Prison; whether this action is in accordance with ordinary usage; and whether as the prisoner declares the question is one of life and death to him, he will grant a special visit to two Members of this House, at which the prisoner shall be permitted to make a statement on the subject?

MR. MATTHEWS: Yes, Sir; I understand the facts to be as stated. The action of the officer present was in accordance with the ordinary usage. Ample provision is made by the standing orders that prisoners shall have opportunities of making complaints, or any application to superior authority, by means of interviews with the Governor or Deputy Governor, or Visiting Director, or by Memorial to the Board of Directors, or to the Secretary of State. They may also make any complaint to the Prison Visitors. I have before stated in this House that neither Members of Parliament nor any other persons can be allowed access to a prisoner for the purpose of investigating a matter of prison discipline.

MR. MAC NEILL: Does not the right hon. Gentleman remember informing me across the floor of the House that Mr. Soames and Pigott had an interview with a prisoner in the [illegible]he [illegible]est of the *Times*, and why is the priv[illegible]d, c[illegible]e accorded to them denied to Members [illegible]pr[illegible] the House?

MR. MATTHEWS: I do not think the hon. Member is accurately representing the point of my answer. The point of my present answer is that an interview for the purpose of investigating a matter of prison discipline has never been allowed. If the hon. Member wishes for further information he had better give notice of a question.

MR. MAC NEILL: I will repeat it on Thursday.

MR. J. BARRY: It is a matter of life and death in this case, and I will therefore ask whether the right hon. Gentleman will not consent to allow this man to see two Members of the House so that he may make a statement as to his special grievance?

MR. MATTHEWS: No, Sir; I cannot accede to that application. I am myself perfectly prepared to receive any complaints.

MR. P. O'BRIEN: Did not the right hon. Gentleman allow a doctor from outside to visit Daly?

MR. MATTHEWS: This case is entirely different from that of the prisoner Daly. I did allow a doctor to visit Daly, because fears were expressed that the prison doctor had not taken a right view of his case. That was a totally different matter to allowing any two Members of the House to visit a prisoner for the purpose of inquiring into prison discipline.

MR. J. BARRY: Some time ago I addressed two applications for leave to visit this man to the right hon. Gentleman, and both were refused in discourteous terms.

RAILWAY RATES.

MR. WALTER M'LAREN: I beg to ask the President of the Board of Trade whether he is aware that in the draft classification of merchandise traffic with proposed maximum rates, just issued by the Board of Trade for the Great Western and London and North-Western Railway Companies, the rate of conveyance for milk, including station and service terminals, and charges for empty cans, averages about twice the rate which these companies now charge, and more than double the rates which the Midland and Great Eastern charge; what is the reason for this great rise in the rates for the carriage of milk over existing rates, when there has been a reduction in the rates for many other commodities; why the return of empty cans is liable to a

charge varying from 4d. to 8d. when at at present the Great Western only charges 2d. and the London and North-Western charges nothing; and what opportunities the representatives of dairy farmers will have of objecting to these rates before they become law?

*SIR M. HICKS BEACH: I cannot accept the statements contained in the first and third paragraphs of this question as either accurate or complete; but at the present time it would be premature to enter into the details of the subject, because the Statutory Report to Parliament has not yet been made. When that Report is made, the representatives of dairy farmers will see precisely how the matter stands; and in the event of a Provisional Order being brought before Parliament next Session containing rates which are not satisfactory to them, they would have full opportunity of opposing those rates in the House, or before the Committee to which the Bill would be referred. But I would point out to the hon. Member that any rates proposed will be maximum rates, and that their allowance by no means necessarily involves any increase in the rates at present actually charged.

CULTIVATION OF SUGAR BEET.

MR. FARQUHARSON (Aberdeenshire, W.): I beg to ask the President of the Board of Agriculture whether his attention has been drawn to the suitability of large tracts of land in Great Britain and Ireland to the growth of sugar beet; whether he is aware that the necessary capital for promoting the establishment of such an industry would be immediately forthcoming upon the ratification of the Sugar Convention, and the consequent abolition of bounties; and whether, in view of the existing agricultural depression and the fact that few crops would give so large a profit per acre, and open up such extensive employment to the agricultural population, as sugar beet, Her Majesty's Government would give the matter their serious consideration?

MR. CHAPLIN: I must ask the hon. Gentleman to postpone the question until Thursday. It only appeared on the Paper this morning, and I have not had time to obtain information.

THE PAY OF THE POLICE.

MR. CAUSTON (Southwark, W.): I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to the fact that the Corporation of London have raised the pay of the City Police Force, and if he proposes to take similar action, and to what extent with regard to the Metropolitan Force?

MR. MATTHEWS: I have no information on the subject alluded to in the question beyond newspaper reports. The Corporation of London have resources which will enable them always to keep the pay of the City Police above that of the Metropolitan Force. I cannot admit that this example should serve as a guide for the Metropolis, nor am I in a position to state that I shall take any action of the kind indicated.

THE FOOT GUARDS.

MR. PICKERSGILL (Bethnal Green, S.W.): I beg to ask the Secretary of State for War whether it is correct, as stated by the military correspondent of the *Times*, that at the inspection on Saturday of four battalions of the Foot Guards the aggregate of all ranks was "considerably under 2,000;" and what is the establishment strength of these four battalions?

MR. E. STANHOPE: The total number of all ranks of the four battalions which paraded for inspection on the 26th inst. was 2,387, out of 3,172 effectives, including recruits, men in hospital, &c. The establishment of these four battalions is 3,362. The recruiting for the Brigade of Foot Guards compares favourably with former years. The waste this year has been abnormally large, as all the men enlisted under the old rule of seven years with the colours go to the Reserve as well as the usual annual proportion of men enlisted for three years' service with the colours; but, in spite of this double drain, the Brigade is only slightly under its establishment.

PLEURO-PNEUMONIA.

MR. BARCLAY: I beg to ask the President of the Board of Agriculture whether he proposes to take steps to verify the statement recently made by the Agricultural Department of the United States that pleuro-pneumonia no longer exists in that country, with the

view of determining whether cattle may now be freely imported from the United States?

MR. CHAPLIN: I am not aware of any statement made by the Agricultural Department of the United States that pleuro-pneumonia no longer exists in that country, in any public document or otherwise. The hon. Member was good enough to send me a communication on the 10th of this month from the Agricultural Department of the United States addressed to himself, in which it is stated "that pleuro-pneumonia is not known to exist in the United States at the present time," which is a very different matter. I have not thought it necessary to endeavour to verify the statement, seeing that within a comparatively short time animals undoubtedly suffering from that disease, within the knowledge of the Board of Agriculture, have been landed at Liverpool from the United States.

NIGHT MAILS BETWEEN LONDON AND PLYMOUTH.

MR. WILLIAM M'ARTHUR (Cornwall, Mid., St. Austell): I beg to ask the Chancellor of the Exchequer whether he will reconsider the facts and arguments repeatedly laid before him by influentially supported Memorials from upwards of 200 public bodies under seal or resolution, in favour of contributing towards the establishment of additional night mail trains between London and Plymouth; whether the proposed trains would very materially improve the postal inter-communication between almost every town west of Basingstoke as far as Penzance and the Scilly Isles, as well as to and from London, and especially between the Naval Establishments of Portsmouth and Devonport; whether he will consider the advisability of improving the existing postal arrangements between many of the towns in the five south-western counties by utilising the railways now traversing them, the mails now being conveyed by mail carts during the night for many miles; whether the proposed improved service has been approved by Her Majesty's Postmaster General; and whether the expenditure asked is small for the services to be rendered?

MR. GOSCHEN: I will consider what decision ought to be arrived at.

COUNTY COURT JUDGE OF RIPON.

MR. BRADLAUGH (Northampton): I beg to ask the Attorney General if he can state to the House whether any complaint has reached the Lord Chancellor with reference to language used towards witnesses by the County Court Judge of Ripon; and whether any inquiry will be made in the matter?

THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight): In answer to the question of the hon. Member, I am informed that a complaint of the kind referred to has reached the Lord Chancellor, and that inquiry is being made into the matter.

ANGLO-GERMAN AGREEMENT.

MR. SUMMERS: I beg to ask the Under Secretary for Foreign Affairs whether the Government will consider the advisability of entering into negotiations with the German Emperor, providing for the submission to arbitration of any question or dispute that may hereafter arise in connection with the Anglo-German Agreement; whether the Government will consider the advisability of inserting an arbitration clause in the proposed Anglo-French Agreement; and whether the Government will consider the advisability of inserting an arbitration clause in the proposed Anglo-Portuguese Agreement?

*SIR J. FERGUSSON: In answer to these questions, I have to say that Her Majesty's Government cannot undertake such general engagements. They have shown in recent instances their readiness to refer to arbitration special and defined cases, fit subjects for reference to arbitration. But there might be cases of difference in which our indefeasible rights might be challenged, and which we could not submit as open questions.

PUBLIC BILLS.

MR. LENG: I beg to ask the First Lord of the Treasury whether, in view of the fact that 21 Bills appeared yesterday in the Government Orders of the Day, besides the Orders of Supply and a Committee of Ways and Means, he will consult the convenience of the House by placing on the Orders such a number of Bills as there is reasonable expectation may be dealt with during the sitting of the House?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): I am afraid it would not be practicable, nor for the convenience of the House, that Orders should be postponed to a late day at this period of the Session, and no other course is open, according to practice, but to place them on the Paper, in order that they may be disposed of if they are reached.

CONSTABLE OF CARNARVON CASTLE.

MR. DAVID THOMAS (Merthyr Tydvil): I beg to ask the First Lord of the Treasury whether in past times the offices of Constable of Carnarvon Castle and Mayor of Carnarvon were vested in the same person; and if he can give any reason why the repeatedly expressed wish of the Town Council of Carnarvon was disregarded in making the recent appointment to the constableship?

*MR. W. H. SMITH: I have no knowledge of the past history of the Constables of Carnarvon Castle, but I would suggest that if more information as to the present appointment is wanted, it would be desirable that future questions should be addressed to the Prime Minister in another place.

THE ARGENTINE REVOLUTION.

MR. HOZIER: I beg to ask the Under Secretary of State for Foreign Affairs whether he can give the House any news from Buenos Ayres?

SIR J. FERGUSSON: The following telegram has been received from Buenos Ayres, dated 2.30 p.m., July 28:—

"Armistice prolonged till 2 this afternoon. President returned to capital. Government forces said to be strongly reinforced. 6.5 p.m. —Hostilities not renewed. Negotiations for capitulation of insurgents proceeding. Terms of Government not yet accepted."

FREE EDUCATION IN SCOTLAND.

MR. MARJORIBANKS (Berwickshire): I wish to ask the First Lord of the Treasury whether, having regard to the Division on Monday, in which 56 Scotch Members took part, 14 voting in favour of the Government, and 42 in favour of the Amendment of the Member for the Stirling Burghs (Mr. Campbell-Bannerman), the Government will re-consider before the Report whether they cannot apply the money available in consequence of the withdrawal of the proposals referring to licences in Scotland towards promoting free education in that country in accordance with the wishes of the Scotch Members?

*MR. W. H. SMITH: Of course, the Government will seriously consider everything connected with the business of this House; but I cannot hold out any prospect of a change in the views of the Government, based as they are upon a full regard to all the circumstances of the case so far as Scotland is concerned, and as regards the legislation for next year.

EMPLOYMENT OF TROOPS AT EVICTIONS.

MR. E. HARRINGTON (Kerry, W.): I wish to know whether the Attorney General for Ireland has seen a paragraph in the newspapers of this morning stating that a force of marines have been embarked from a gunboat on one of the islands on the coast of Kerry for the purpose of aiding in carrying out evictions?

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): I must ask the hon. Gentleman to give notice of the question.

THE IRISH MAILS.

MR. MACARTNEY (Antrim, S.): I beg to ask the President of the Board of Trade if arrangements could be made to ship and land the mails and luggage at Holyhead and Kingstown by mechanical means, so as to avoid the delay that is occasioned by the present system?

*SIR M. HICKS BEACH: I am not surprised that my hon. Friend should have called attention to this subject. The present system of shipping and landing the mails and baggage at Holyhead and Kingstown by hand must cause great delay, and is a terrible blot on a service which is, in all other respects, perhaps the best of its kind in the world. I have been in communication with the Post Office, the City of Dublin Steam Packet Company, and the London and North-Western Railway Company, in the hope of effecting an improvement of the kind suggested by my hon. Friend. The City of Dublin Company were willing to incur considerable expense for this purpose, but I find the Post Office obstinately determined to adhere to the present system, and the Railway Company would do nothing to assist in a change.

I am unable to do more, as it is not in my power to insist on an improvement in the matter.

In reply to MR. SEXTON (Belfast, W.),

*SIR M. HICKS BEACH said: I do not think that I can lay the correspondence between two Departments of the Government upon the Table of the House.

MR. SEXTON: Will the right hon. Gentleman give the correspondence between the Railway Company and the Steam Packet Company?

*SIR M. HICKS BEACH: I will see what I can do.

THE CLERK OF THE BANDON UNION.

MR. FLYNN (Cork, N.): I beg to ask the Attorney General for Ireland whether complaints have reached him that Mr. Haynes, Clerk of the Bandon (County Cork) Poor Law Union, resides five miles from the offices of the Union, with his brothers, who are under police protection, and that he there keeps, during several days of the week, the rate books and other books belonging to the Union, to the inconvenience of the ratepayers; and whether he will be compelled to attend at his office daily for the prescribed number of hours, as laid down by the Local Government Board?

MR. MADDEN: The Clerk of the Bandon Union reports that it is the case that he resides about five miles from the workhouse, at his mother's house, with his brothers, who are not under police protection. He states that it is not the case that he has kept the rate books or any other books of the Union at his residence to the inconvenience of the ratepayers. The general regulations of the Local Government Board defining the duties of the clerk of a Union do not prescribe any hours during which he must attend at his office, but he is bound under Section 9 of 6 & 7 Vict., c. 92, to permit persons affected by any rate in the Union to have access to the valuation whereon it was based, at all times between 10 o'clock in the forenoon on every day except Sundays. No complaints have been made to the Local Government Board as to inconvenience resulting from the situation of the clerk's present residence.

MR. FLYNN: The right hon. Gentleman says that no complaint has been made. I make a complaint now, and I ask him to ascertain whether it is not the fact that a number of ratepayers went to the office and requested to see the rate books, and that the Clerk declined to show them?

MR. MADDEN: I have no doubt that if any new matter is brought before the Local Government Board it will be inquired into.

MR. FLYNN: I beg to ask the Attorney General for Ireland whether his attention has been called to the action of Mr. Haynes, clerk of the Bandon (County Cork) Poor Law Union; whether he is aware that at a recent contest for the Guardianship of one of the Electoral Divisions, Mr. Haynes, acting as Returning Officer, refused to issue voting papers in connection with a number of claims appointing proxies by the nuns of the convent, though these were accurately signed and lodged in due course; also that he similarly refused to issue voting papers in the case of John Cummins & Sons, joint owners, though he issued them to Robinson & Sons, who are similarly circumstanced; and whether he will call upon Mr. Haynes for an explanation of the alleged circumstances?

MR. MADDEN: The Returning Officer reports to the effect that, having doubts as to the ownership of the property out of which the nuns claim to vote, he took the steps required by the 26th Section of 6 and 7 Vict., c. 92, and the nuns, not having produced the necessary evidence, he was debarred from admitting them to vote. With regard to the case of John Cummins & Sons, they, as being a joint business company, were disqualified to vote themselves, and they had not qualified any officer on their behalf in the manner required by Section 86 of 1 & 2 Vict., c. 56. With respect to John and William Robinson, the Returning Officer states that he had no reason to doubt the legality of their claims.

MR. FLYNN: Is it necessary to produce evidence, or is not the rate book sufficient evidence?

MR. MADDEN: No, Sir; it is not necessary to produce evidence.

THE ROYAL IRISH CONSTABULARY.

MR. NOLAN (Louth, N.): I beg to ask the Attorney General for Ireland whether two members of the Royal Irish Constabulary attended a meeting of tradesmen and labourers held in Drogheda, County Louth, Ireland, for trades union purposes on 9th July, and took notes of the proceedings; and, if so, by whose orders, on what authority, and with what object they did so?

MR. MADDEN: The Constabulary Authorities report that the meeting referred to was a public one, held in the open air, and convened by placard. It was organised in connection with an existing strike among the *employés* of a local Steamship Company, and the Local Officer directed two policemen to attend and take notes, which was accordingly done.

SPIRIT LICENCES.

MR. PATRICK O'BRIEN (Monaghan, N.): I beg to ask the Attorney General for Ireland whether he is aware that a man named Charles Mitchel, residing at Shantonagh, County Monaghan, recently obtained a temporary retail spirit licence for consumption on the premises; and if so, by whose authority, and on what grounds; whether his attention has been called to the fact that Mitchel's applications repeatedly made at Quarter Sessions for several years were always opposed by the landlord of the place, the clergy of all denominations, and the inhabitants generally, on the grounds that the place being a thinly populated country district, a public house was not required, and, if allowed, would be a source of demoralisation amongst the people, and that the Magistrates of the district, with the concurrence of the County Court Judge, unanimously refused the application on every occasion; but that on the 20th inst., at the Castleblaney Quarter Sessions, when Mitchel again applied to have his temporary retail licence made permanent, of the 18 Magistrates on the Bench, three were Resident Magistrates, two of whom came from other counties, and three others of the number came from other districts to support Mitchel's claim; whether his attention has been called to the expression of opinion by the Chairman that the Bench was packed in Mitchel's interest; and to the fact that he ordered the application to stand over till October next; whether he can say by whose authority, and for what reason, Resident Magistrates from other counties attended the hearing of this case; and whether the attention of the Lord Chancellor will be called to the conduct of the other Justices who attended from other districts?

MR. MADDEN: It is the case that Mr. Charles Mitchel was recently, on the recommendation of the Lord Lieutenant, allowed by the Board of Inland Revenue to sell excisable liquors for consumption on his premises pending his application to Quarter Sessions on 20th June last, on which date this permission to sell expired. I am informed that the facts are not accurately represented in the second paragraph. The application was not opposed by the inhabitants generally. It was opposed by the landlord and two local clergymen of different denominations, but was favoured by another local clergyman. The place is a leading highway, and the applicant is a shopkeeper, doing a very large trade in the locality, which is represented to have a good average country population, and many of his customers were anxious that he should get the more extended licence. He holds already a spirit, grocer's, and beer retailer's licence. The application has not been refused on the previous occasions unanimously. On the contrary, it was carried by only very small majorities. Of the three Resident Magistrates present, one belonged to the district, the second had been recently in charge of it, and belonged to an adjoining district, and the third belonged to another adjoining district, in part of the police district of which the premises in question are situate. All the Magistrates who attend the Quarter Sessions were Magistrates for the County Longford, and had a right to do so. The Chairman is reported to have made use of no such expression as that attributed to him, but upon a point of law he decided that the licence could only be granted at the Annual (October) Licensing Sessions. The Resident Magistrates who attended are Magistrates for the County Monaghan, and therefore had a right to be present.

MR. FLYNN: Is it usual for Resident Magistrates to attend Licensing Sessions?

MR. MADDEN: Yes, Sir, it is usual.

MR. FLYNN: Has not the Lord Chancellor laid down the dictum that it is wrong for a Resident Magistrate to attend a Licensing Session outside his own district?

MR. MADDEN: The ordinary Magistrates are assigned to particular districts, but a Resident Magistrate may attend generally.

MR. MAC NEILL (Donegal, S.): Did not two of these Magistrates come from a distance to ratify the decision of the Magistrates at the Sessions, and is he aware that the Lord Chancellor dismissed from the Commission of the Peace, Mr. James Byrne, because he went from Mallow to another district for the hearing of a case in which an appeal was granted. Why then, in this case, were two Resident Magistrates allowed to travel from one part of the county to another in order to decide a case in which the Crown was concerned?

MR. MADDEN: The Resident Magistrates are all Magistrates for the whole of the county. There is no analogy between the position of an ordinary Magistrate and that of a Resident Magistrate. The latter can attend all Licensing Sessions in the county.

In reply to a further Question by Mr. T. W. RUSSELL (Tyrone, S.),

MR. MADDEN said: I have given all the information in my possession.

MR. MAC NEILL: Were not two Resident Magistrates imported into this county specially for the purpose?

MR. MADDEN: Certainly not.

LIGHTKEEPERS.

MR. SEXTON (Belfast, W.): I beg to ask the President of the Board of Trade what period of leave is annually allowed to lightkeepers in Great Britain; whether the practice in Ireland is not to allow any leave; and if there is any sufficient reason why the Irish and British lightkeepers should not be treated alike in this respect?

*SIR M. HICKS BEACH: The grant of annual leave to lightkeepers is essentially a question within the discretion of the Lighthouse Authorities, and one in which I cannot interfere. I have asked the English, Scotch, and Irish Boards for their regulations on the subject, and if he desires it I shall be ready to send the information to the hon. Member when I receive it.

MR. SEXTON: I shall be glad if the right hon. Member will follow the matter up.

SIR M. HICKS BEACH: I am not at present aware what the regulations are.

THE SUMMARY JURISDICTION ACT.

MR. M'CARTAN (Down, S.): I beg to ask the Attorney General whether, in view of the fact that "The Summary Jurisdiction Act, 1879," provides the right of appeal to Quarter Sessions to any person who is adjudged by a conviction or order of a Summary Court of Jurisdiction in England to be imprisoned without the option of a fine, even in cases where the term of imprisonment is less than one month, whereas in Ireland there is no such appeal to Quarter Sessions from the Petty Sessions, unless the term of imprisonment exceeds one month, the Government will extend to Irishmen the same right of appeal which is now afforded to persons in England?

*SIR R. WEBSTER: The law in England is correctly stated in the question of the hon. Member, subject to certain exceptions, which are not material. I need scarcely say that it is quite beyond my province to express any opinion upon questions of legislation for Ireland.

In reply to Mr. SEXTON,

MR. MADDEN said: A person sentenced in Ireland to less than a month's imprisonment has no right of appeal. To issue instructions sanctioning an appeal would in the first case necessitate the repeal of the Act.

MR. SEXTON: Does the right hon. Gentleman forget that there was a promise that there should be an appeal in all cases. Will he not give to an Irishman the same right that an English subject now enjoys?

MR. MADDEN: If the hon. Member desires an alteration of the law he had better put a Question on the Paper.

BUSINESS OF THE HOUSE.

MR. J. MORLEY (Newcastle-upon-Tyne): If the Local Taxation Bill passes through Committee to-night what will be the first business to-morrow?

*MR. W. H. SMITH: The Post Office Estimates.

In reply to Mr. BRYCE,

*MR. W. H. SMITH said: It will be necessary to proceed with the English Police Bill first, and then to take the Scotch Bill.

EAST INDIA (CIVIL SERVANTS).

Report, with Minutes of Evidence, brought up, and read.

Report to lie upon the Table, and to be printed. [No. 327.]

LEAVE OF ABSENCE.

To Mr. Richard Chamberlain, for one month, on account of ill-health.—(*Mr. Anstruther.*)

MALTA (ORDINANCE No. 5.)

Address for—

"Copy of Maltese Ordinance No. 5, of 1867, entitled 'An Ordinance to amend the laws relative to the rights and duties emanating from marriage, and to separation of married persons.'"—(*Mr. Summers.*)

ALIENS.

Order [18th July] for an Address for a Return relative thereto read, and discharged; and, instead thereof:—

ALIENS.

Address for—

"Return showing the names of all Aliens to whom Certificates of Naturalisation have been issued since the 25th day of July, 1889, giving the country and place of residence of the persons to whom Certificates have been granted, and including information as to any Aliens who have, since the same date, obtained Acts of Naturalisation from the Legislature."—(*Mr. Lawson.*)

ADJOURNMENT MOTIONS UNDER STANDING ORDER No. IX.

Return ordered—

"Of Motions for Adjournment under Standing Order No. IX., showing the date of such Motion, the name of the Member proposing, the definite matter of urgent public importance, and the result of any Division taken therein in the Session 1890 (in the same form as, and in continuation of, Parliamentary Paper, No. 30, of the present Session."—(*Mr. Arthur Elliot.*)

MESSAGE FROM THE LORDS.

That they have agreed to Elections (Scotland) (Corrupt and Illegal Practices) Bill, with Amendments; that they have passed a Bill, intituled "An Act respecting the expenses of High Sheriffs in connection with the Assizes." [Sheriffs (Assizes Expenses) Bill [*Lords*]; Statute Law Revision Bill,—That they have agreed to some of the Amendments made by this House to Statute Law Revision Bill, with Amendments; and have disagreed to others of the said Amendments, for which they assigned their reasons; and have made consequential Amendments to the Bill.

MOTION.

PUBLIC MUSEUMS AND GYMNASIUMS.

On Motion of Mr. Powell, Bill to enable Urban Sanitary Authorities to provide and maintain Museums and Gymnasiums, ordered to be brought in by Mr. Powell, Dr. Farquharson, Mr. Edward Hardcastle, Mr. Kenrick, Mr. Mallock, and Mr. Samuel Smith.

Bill presented, and read first time. [Bill 400.]

ORDERS OF THE DAY.

FOREIGN JURISDICTION (CONSOLIDATION) BILL [LORDS].—(No. 383.)

SECOND READING.

(4.20.) Order for Second Reading read.

SIR R. WEBSTER: In moving the Second Reading of this Bill I wish to explain that it makes no alteration in the law on the subject of foreign jurisdiction, but only consolidates it.

Question, "That the Bill be now read a second time," put, and agreed to.

Bill read a second time, and committed for Thursday.

LOCAL TAXATION (CUSTOMS AND EXCISE) DUTIES BILL.—(No. 244.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 2.

Amendment again proposed, in page 2, lines 13 and 14, to leave out the words "Of children in the compulsory standards of the Scotch Code."—(*Mr. Charles Parker.*)

Question again proposed, "That the words proposed to be left out stand part of the Clause."

(4.24.) MR. HUNTER (Aberdeen, N.): When the Debate was adjourned last night I was venturing to suggest why these words should be omitted from

the clause. In the first place I may point out that the clause is entirely inconsistent with the practice of the Scotch Educational Department, which has already sanctioned, in the case of 700 schools, relief from the payment of fees for the highest standard. In the Division which occurred last night the Government were supported only by 14 out of 56 Scotch Members, 42, or a majority of three to one, having voted against them. Last year the highest watermark against the Government was five to one. Are they going to tell the people of Scotland that they will yield to a majority of five to one, but not to a majority of three to one? It may be said that the Government cannot afford to give money to the Sixth Standard, because the Sixth Standard is not compulsory; but I meet that argument by the assertion that if it is made complete it will in every sense become compulsory. At present we are in this dilemma, that if we are to have a compulsory Sixth Standard we must have such an extension of grant as will bear the charge. I believe I am within the mark when I say that every School Board and everyone who has given attention to the question of education in Scotland are unanimous, or all but unanimous, in favour of the necessity of making the Sixth Standard compulsory. Children pass the Sixth Standard, some at the age of 10 years, nearly all at 11 years. Children in Scotland, who at 11 years of age are withdrawn from school and at once sent to work, labour under two disadvantages. In the first place the severity of their work makes it impossible for them to pursue in any serious degree their school studies, and in the second place, after they leave school at that tender age, they forget in no long time much of what they had learnt there. Anyone of experience who has studied the question will say that an additional year in the Sixth Standard would be precious beyond anything, both for making permanent the impressions a boy has already received and as a beginning of implanting in his mind a notion of the higher subjects which he may pursue in later life. As far as the educated opinion of Scotland is concerned, there are no two views as to the propriety of making the Sixth Standard compulsory. I believe that the working classes in Scotland are grateful for the boon conferred upon them last year, and if the House were to go further and make the Sixth Standard free, parents would be glad to make a sacrifice, and would accept with cheerfulness the extension of the compulsory standards so as to include the Sixth. That, I think, is a complete answer to the view which the Lord Advocate put forward. Why should not the Government accept this Motion? The opinion of Scotland has been manifested in the Division very clearly and distinctly, and I believe it is much stronger in Scotland itself than among the Representatives of Scotland in this House. Why not accept the view of Scotland on the point, which is a very small one? Before free education was introduced in Scotland, four out of five parts of the cost of education were borne by the State, and the difficulty of raising the remaining fifth by fees was so great that it was not thought worth while to stand out against its remission. At present the total amount raised by fees is about 1-35th of the whole. We spend £1,320,000 on education, and are the Government to stand out now on account of a paltry £40,000? I believe the real reason which influences the Government is that they think if they were to yield it might tie their hands when they come next year to deal with the question of free education in England. I certainly am in favour of free education in the higher schools, by competition for a limited number of places. That is the system on which we have proceeded in Aberdeen for many years, and it has worked extremely well. But I wish to point out that Scotland needs a considerable sum of money, both to complete and perfect her university system, and for technical and secondary education, and I think it is hopeless to obtain popular support for spending money on higher education until you have completely freed the elementary schools, because money so spent would be absorbed mainly by the middle and wealthy classes.

(4.32.) DR. FARQUHARSON (Aberdeenshire, W.): Yesterday we were beaten—but not with very much slaughter—on an Amendment in which we took very deep interest. Now, the Lord Advocate has put what I may call a moral censure on us by not taking part in this Debate. I submit that the

Amendment is a reasonable one, because it would bridge over what is felt to be an awkward gap in the education system of Scotland. At present, the education given to the Scotch people is a bare minimum; it is a rough framework with a thin veneer which rapidly wears off later in life. We know it is a great temptation to poor parents suffering from the agricultural depression not to keep their children at school when they have passed the compulsory standards, and I think we should do all we can to encourage children passing into the voluntary standards, in which they would take a more sincere interest in their educational work. I see no reason, also, why the Education Department of Scotland should not be trusted to allocate the money, as heretofore, for the benefit of the Scottish people. Children ought to be encouraged, by rewards of some kind, to enter the voluntary standards. This is done already in some cases by means of bursaries and other pecuniary assistance. The idea of compulsion is apt to raise a feeling of antagonism, whereas, in the case I have indicated, children would carry on their educational work with a feeling akin to enthusiasm, thus enabling them to continue their progress in the higher walks of education. I believe that it would be good policy on the part of the Government to yield on this point, and not to make two bites at a cherry.

(4.40.) THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): I think that some hon. Members from Scotland have done scant justice to the feeling of the Scottish people in favour of education. I may point out that the arguments brought forward with reference to the attitude of the working classes in Scotland regarding education above the compulsory standards are not in accord with the history of the Scottish people as regards education generally. Though many hon. Members may find fault with the financial proposals I have submitted, it will not be denied that I, too, have some feeling in favour of education. I think that I may claim to have been what is called an educationalist for many years. Hon. Members have urged that this is but a small matter; but I think the decision whether or not the standards above the compulsory standards, as well as the compulsory standards themselves, shall be freed, is by no means a very small question. The argument has been put forward that the Government would be justified in freeing parents from the duty (which hon. Members now entirely discard), of educating or contributing to the education of their children. We have relieved parents from that duty where the State has enacted compulsion, but the Government are not prepared to sanction the principle that beyond the compulsory standards education must necessarily be free. The hon. Member for North Aberdeen has remarked that, with the views which I hold with regard to free education, I should not be able to show my face in any part of Scotland without being metaphorically torn to pieces. But I have appeared before Scottish audiences, and have spoken on this question of free education. In Edinburgh, during my first candidature, I dealt with this subject, and I asked my audience, which was largely composed of the working classes, whether it was or was not right that parents should be entirely freed from the duty of educating their children. I appealed to them for their votes, and though I had declared my opposition to this promiscuous free education, I was successful. I was able to secure the suffrages of an important section of the working classes of Edinburgh without having pronounced in favour of free education, but rather the reverse; and, therefore, I cannot refrain from asking myself whether hon. Members opposite so entirely represent the feeling of the bulk of the people of Scotland when they say that parents are not prepared to incur some sacrifice for the education of their children. The arguments of hon. Members, however, are not only in favour of the application of this system to Scotland, but they argue as if it were discouraging to education generally to place fees upon any of the higher standards in the school. The argument is that if a working man has been freed from the payment of fees in the lower standards, he will be certain to withdraw his children from school when they reach the upper standards, if he has to pay anything. But what is the amount of the fee as compared to the value of the child's labour? When the compulsory standards are passed, the child has arrived at

an age when he can earn a few shillings a week, and if the parent values the child's labour, which represents a few shillings a week, is it to be believed he will withdraw because of the few pence he may have to pay? I do not think the argument holds water for a moment, especially as regards Scotland, and hon. Members from Scotland do injustice to their fellow-countrymen. The Government do not say this is a large matter, but a large principle is involved. If they could meet the views of hon. Members from Scotland they would be extremely glad, but they cannot do so without assenting to a principle to which they are opposed. The hon. Member from Aberdeen urged the claims of the working classes, but the hon. Member must bear in mind that while in England large sums have been employed for the "brutal and naked" relief of local taxation, in Scotland we have given £250,000 and now £40,000 more by this Bill to primary education, so that altogether no less than £290,000 is going to the benefit of the working classes and their children. No other members of the community have so far benefited by the application of any portion of this money.

MR. HUNTER: That is not so, because in Scotland there is a very large proportion of what may be called the lower middle class, who habitually send their children to Board schools.

*MR. GOSCHEN: I think that rather expands the argument when Parliament is asked to give free education above the compulsory standards to the lower middle class as well as the working class at the expense of the State. Have those classes no duties to their children in the direction of education? I can fancy that there are many others representing what might be called the poorer middle class who have difficulty enough to scrape together the money paid for the education of their children, who do not go to elementary schools, yet that class is to be taxed, and not to be relieved of any portion of the rates, because the whole of the money is to go to one particular class of school. The Government, having dealt so largely with Scotch opinion in this matter, are scarcely open to the reproaches which hon. Members have levelled at them, that they are putting this money to an unfair use, or are checking education by the proposals they have made.

*(4.50.) MR. S. SMITH (Flintshire): As a Scotchman, although not a Scotch Member, I should like to say a word or two in regard to this Amendment. I have not been convinced by the argument of the Chancellor of the Exchequer, and I believe that if this matter were referred to the Scotch people, the vast majority would be found to disagree with the right hon. Gentleman. The great defect in the educational system of Scotland, as of England, is that the average school age is far too short. In Germany the average school age is 14 in the day schools and 17 in the evening continuation schools; in Switzerland it is 15 and 17 or 18 respectively; but in England and Scotland the average age for leaving the day schools is only 12, and not more than 4 per cent. of the scholars pass into any kind of continuation schools. Yet from 12 to 16 years of age is the period at which a child's character is formed either for good or bad. I think that every encouragement should be offered to lengthen the school age, but the effect of the Government's proposal is to penalise the Sixth Standard. The Government have got the gratitude of the Scotch people by what they have already done for free education; let them do the thing thoroughly and completely. If the Government wish to stave off Scotch Home Rule they must pay heed to the wishes of the Parliamentary Representatives of the people, because in Scotland a strong feeling is growing up that those wishes do not receive sufficient attention in the British Parliament, and that the voices of the Scottish Representatives are too often voted down. I regret that feeling, and I hope the Government will do their best to lessen it.

(4.55.) MR. BARCLAY (Forfarshire): I wish to know whether the insertion of the Amendment will have the effect of preventing School Boards abolishing fees in the Sixth Standard if they are so disposed.

(4.56.) THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): No embargo will be laid on the proceeding of School Boards in the direction my hon. Friend points at. That will be just as free as they were before. These words are merely indicative of our wish, in

making the grant, as to how the money shall be expended.

(4.57.) MR. SYDNEY BUXTON (Tower Hamlets, Poplar): As an English Member, I claim to take an interest in this subject, because of the necessary effect of the education proposals with regard to Scotland when free schools are extended to England, as we hope they will be, next year. We have already stated that we object to the system of freeing education in Scotland by means of grants from the rates, which we hope will not be done in England, and we object also to the plan of freeing the lower and not the higher standards. I cannot conceive any system more anti-educationalist than that of freeing the lower standards in the Elementary Schools and charging fees in the higher standards. Our object ought to be to endeavour to keep the children at school as long as possible. It may be contended in opposition to the view urged by the Chancellor of the Exchequer that it will be a great temptation to the parent to withdraw his children from school at an earlier age when, by keeping them at school, he will have to begin to pay fees. No doubt the parent has the inducement of the child's wages to withdraw the child from school, but it is the duty of Parliament not to add to that temptation by charging a fee after children have passed the Fifth Standard. Personally, I would rather see the higher than the lower standards free. It seems to me that the very reason that the higher standards are not compulsory is the greatest argument for making them free, because if you cannot force a parent to send his child of 12 or 13 years to school, you ought to do your best to encourage him to keep his child at school. The Chancellor of the Exchequer has said that this is a matter of principle; that it is not a small matter at all. But I think he forgets that already this principle has been admitted, inasmuch as already in Scotland there are something like 730 schools in which no fees are charged in the higher standards, in the non-compulsory standards. As far as I know, no evil results have ensued. What we propose is that the parents of the children in the other 2,000 and odd schools should have the same advantages as the parents whose children go to the 730 schools. The Chancellor of the Exchequer stated very truly that the Scotch have always been great educationalists, and it is most satisfactory to know there are no less than 30,000 children in the higher standards in the Scottish schools. This is a small matter as regards money. The Government have already spent a very large sum indeed in freeing schools, and it certainly is very regrettable that for the last ha'porth of tar the system should be spoiled. I, as an English Member, very sincerely hope the Government may see their way to accept this Amendment, because when the system of free education is extended to England we, at all events, shall insist that everyone of the standards in our elementary schools shall be free, and we are afraid that unless the principle is accepted in Scotland, we may have greater difficulty in introducing it in England.

(5.3.) MR. MUNDELLA (Sheffield, Brightside): The Chancellor of the Exchequer has stated that there is a very large principle involved in paying the fees of a child beyond the compulsory standard. What will the right hon. Gentleman do when he comes to deal with free education in England, where the compulsory standard varies from the third to the sixth, according to the will of the Educational Authorities in the locality? The standard in Scotland was fixed 20 years ago, and it was fixed as a minimum standard to which every child must attain before it can accept any employment; it was fixed to give the child the minimum of an elementary education. What the right hon. Gentleman proposes to do is to stereotype that minimum, and, practically, in a vast number of cases, make it the maximum of education. The complaint of the Scotch Education Department has been for years that the number of children who pass the Fifth Standard at the age of 10 to 12 is increasing every year, in consequence of improved teaching, better methods, and better average attendance. Every year a larger number of children are passing out of school at these early ages. If the right hon. Gentleman acquaints himself with the practice in other countries he will find that the standard is not one of class, but of age. It is a standard varying from 13 to 16 years of age. But in Scotland there are numbers

of children who are passing the Fifth Standard at as low an age as 10 and 11. Is the right hon. Gentleman prepared to say that a poor working man who wants to keep his child at school until it is 12 or 13 years of age must be fined 6d. a week if he does so?

*Mr. GOSCHEN: I did not say that at all.

*Mr. MUNDELLA: That is the practical effect of the proposal.

*Mr. GOSCHEN: The right hon. Gentleman wishes to put it into my mouth that this is a fine upon parents. That a fee should be called a fine is most extraordinary.

*Mr. MUNDELLA: The right hon. Gentleman may call it by any name he pleases, but that is the practical result. In England it will be regarded as a fine. In nearly all of our colonies, in every country in Europe where there is a good system of education, the education of a child is continued until he has passed completely through the school, and if he does not pass through the school before a certain age—14 or 15 years—he must compulsorily attend a night school until he has passed through the whole of the school curriculum. Why are we dealing with the fee question at all? Because the payment of fees has been a great hindrance to the attendance of children at school. The first effect in Scotland of making education free to the extent it has been made free, was a large increase in the attendance of children at school. Children have been kept back, on one pretext or another, but the hindrance was generally poverty. When the fees were abolished, the children who had been kept back were at once sent to school, children were sent at an earlier age than they had ever been sent before, and there were demands for increased accommodation. The wages children can earn are a great temptation to parents to withdraw their children from school, but what is now proposed is that a parent, in addition to forfeiting the wages of his children if he keeps them at school until they are 12 or 13, shall put his hand in his pocket and pay, say 6d. a week. I am afraid the right hon. Gentleman has hardly considered how important sixpences are to rural labourers, and poor working men.

Mr. Mundella

*Mr. GOSCHEN: I know it well. In Sussex, where I live, the labourers are quite as poor as those in Scotland.

*Mr. MUNDELLA: In Sussex, where the right hon. Gentleman lives, the children do not attend school after they have passed the Fourth Standard. In Sussex, and, indeed, throughout the whole of the rural districts of England, the working man has to pay heavy school fees, with the result that he is obliged to withdraw his children from school as early as he can; he has often to put one in the field to pay the fees for the education of the others. Now, a precocious child can pass Standard V. at ten or ten-and-a-half. If the parent keeps the child at school until he is 13, he must pay fees for the three years. Some children cannot pass Standard V. until they are 13, and in their cases there will be no fines. There is no inducement to withdraw backward children from school, the inducement is to withdraw the clever children. That is not in harmony with the traditions of Scotland, although I am sorry the Scotch people are beginning to keep their children at school for too short a time, as the hon. Member who preceded me said this has an important bearing on the English question. There are towns in England where no child is allowed to leave school until he has passed the Sixth Standard. Under the right hon. Gentleman's system the children in such towns will have their fees paid up to the Sixth Standard, because that is the compulsory standard; but there are rural districts where the third or the fourth is the compulsory standard. Where there is the most need of help, the least help will be given in accordance with the right hon. Gentleman's plan.

*Mr. GOSCHEN: The right hon. Gentleman must not anticipate the Government's plan.

*Mr. MUNDELLA: I am not anticipating the right hon. Gentleman's plan, but I am fixing him to his principle, and his principle is that we must not go beyond the compulsory requirements of the State. If the Chancellor of the Exchequer lays that down in regard to Scotland, there will be a very poor chance of going beyond it in England. It will be a burning shame if, in this House, the will of the Scotch Members does not prevail with respect to

the education of Scottish children. It will be discreditable to us English Members, on whatever side of the House we sit, if we do not allow the Scotch people to distribute this money in the way they wish. The right hon. Gentleman opposite referred to his having been elected for Edinburgh. He was so elected when under the ægis of the right hon. Gentleman the Member for Mid Lothian, but he was not so successful when he deserted that right hon. Gentleman's standard. There has been a great march forward in this question of education, and every one interested in education is thankful for the movement. If the right hon. hon. Gentleman the Chancellor of the Exchequer were to enunciate to-day in Scotland the principles he has enunciated in this House, I am quite sure that no constituency in Scotland would elect him. I appeal to English County Members not to be tied down in this matter to the compulsory standards, and I would remind English Members generally that the principle of this proposal will affect England as well as Scotland, and I maintain that it is a very pernicious one.

*(5.17.) MR. ESSLEMONT (Aberdeen, E.): I will not stand between the Committee and a Division many moments, but I should like to put to the Government one proposal. Will it be denied that public opinion throughout Scotland is universally in favour of freeing the high standards rather than the lower ones? If anything came out of the discussion last year, and has come out this year, it is that the educationalist in Scotland would rather free the higher standards than the lower. It is no great burden to the parent to keep a child in the early standards. Its food and clothes cost less, and there is no temptation to send it to labour, but when a parent has a clever child of 10 or 11, the temptation to take it away from school is very great. We did not want this extra 6d. on whisky. We opposed it; but now that we have to pay the money, we ask the Scotch Representatives in this House to say to what the money is to be applied. The Government desire to tie us down so that the County Councils can only apply it to a limited number of taxes. They make a suggestion—and I admit it is no more than a suggestion—that parents should only be relieved of school fees up to the Fifth Standard, but will anyone deny that this will be a hint to every School Board not to relieve parents above the Fifth Standard, and a rebuke to those School Boards who hitherto have been giving relief up to the Sixth Standard? In all common sense I ask, Are we Scotch Members of Parliament to be expected to come here and give such votes as those we have recorded only to be voted down by the brute force of numbers? Are we to be expected to pay these taxes without a voice in their distribution? I hope the Government will re-consider this matter. Nothing more disappointed me than the speech of the right hon. and learned Gentleman the Lord Advocate last night. He is going against the strong sentiment of the people of Scotland, and against three to one of the Scotch Representatives. He is discouraging the poor man from conferring a high-class education on his children. At present the nobleman's son pays the same price for the education of his son at the University as the poor man. Is there any degradation in that? Not at all; and it is because we want to see the poor man's son stand side by side with the children of the upper classes without there being degradation anywhere that we urge the Government to re-consider this matter. It is a pernicious doctrine that the son of the poor man should have his fees paid for him by the State, while the son of the rich man should pay his own fees. To tie us down to the Fifth Standard is to put a disparity or degradation on State-aided education which ought to be removed.

(5.24.) MR. C. S. PARKER (Perth): I shall go to a Division on this Amendment; but before we divide, I desire to say that the omission of these words will simply put the clause on the same footing as last year's Act. The Government are granting a further sum of money, and all we ask is that it should be voted on precisely the same conditions as the money last year. Right hon. Gentlemen opposite have obscured that issue. They have spoken of it as a sacred principle that we should not go beyond the compulsory standards. Where did they get that principle? Last year their declarations were all the other way, for they contested the principle that the compulsory standards

should be freed, holding that relief should only be given in the case of the first five standards. The Lord Advocate addresses us in three capacities—first, as Minister for Education, in which *rôle* he is at his weakest; secondly, as a partisan, in which character he is undeniably a success, making a brilliant attack, and, for a Minister in charge, setting an entirely new precedent of liveliness in an educational Debate; but he comes to us in a third capacity, namely, as an interpreter of law. We ask him in that capacity what is the reason for this Bill, and he tells us that these words will practically not have the effect of excluding the higher standards after the compulsory standards have first been provided for. He says that money is already contributed to the higher standards under the Act of last year, and that the Bill only contains a friendly invitation. Then, if that is so, why not take out these words and put the clause exactly on the footing of last year's Act? Why not vote the money on precisely the same conditions, subject, of course, to the discretion of the Education Department? We should expect to hear from the Lord Advocate how that discretion would be used. I hold that the omission of these words will make the issue perfectly clear.

(5.28.) SIR W. HARCOURT (Derby): I have listened with great attention to the Debate, and I do not think I ever heard in the House of Commons a discussion so absolutely one-sided—on which no answer, or nothing deserving the name of an answer, has been given to the case presented. This is not to be solely a Scotch Debate. We have received clear warning that the principles laid down here are to be the principles to govern education in England. The Chancellor of the Exchequer has laid down as a principle, from which there is to be no deviation, that in Scotland and in England education is not to be assisted above the compulsory standards. The right hon. Gentleman appeals to his Edinburgh experience; but we are a long way from the year 1885. The right hon. Gentleman has advanced since then—he has advanced to the other side of the House. But what was the position taken by him then? We all remember his fervid orations against free education altogether. His great antagonist was the right hon. Gentleman the Member for West Birmingham—whom we do not see here to-day—and it was against the "unauthorised programme" that these Edinburgh speeches were made. Well, unfortunately, we have the antagonist of free education here to-night, but not its great advocate. The Chancellor of the Exchequer has been forced by degrees, unwillingly, in the direction of free education. First, he was against it altogether. He thought it a bad principle and resisted it in 1885. Now, circumstances have changed, and he is compelled more or less to accept it—less rather than more always. What attempt has there been made to answer the powerful argument of my right hon. Friend, who understands this subject better than any man in this House? I dare say that to make this distinction as to the compulsory standards is to discourage keeping the children at school. Everybody knows that is the shame of this country. I have heard it over and over again observed that a country like Switzerland can keep children at school two or three years longer than we do here, and with very great advantage to the condition of the Swiss people. You are passing children at an early age through the compulsory standards, and you are discouraging keeping them at school till a more advanced age. How is the Chancellor of the Exchequer treating the subject? It is the minimum that can be given, and it is to be given as though it were a pauper dole, and to be treated as the limit of our contributions, beyond which the bounty of the State shall not go. I think that is a very narrow view. It is a very un-Scotch view; and when we are as advanced in this country, and the subject is thoroughly understood, it will be a very un-English view of the question. Now that the Chancellor of the Exchequer has been obliged to leave his anchorage, he had better set sail and go into the port of complete free education. The Chancellor of the Exchequer has money at his disposal. What do sensible people do? They try to distribute in the manner most agreeable and consonant to the wishes of the people who are to receive it. Does the Chancellor of the Exchequer believe that what he is doing now is most consonant to the wishes of the people of Scotland? He knows that it is in no Party spirit that the enormous

majority of Scotch Members vote for this. It is no mere Party cry at all. He knows perfectly well that if he had consulted the Scotch Members or the Scotch people, they would have told him that he has not given enough. What they want is a liberal treatment of the whole question of education. Why, then, these pedantic views with reference to the fixed standards, and refusing to give the Scotch people what they wish? You will, of course, carry this by the majority you control. It will not be the majority of the Scotch people. I consider it most unfair and unjust to Scotland that you should call in the aid of the English majority on such a question. I do not think it is a thing which will redound to your advantage or to your popularity in Scotland. However, the Lord Advocate must be the judge of that. He has no doubt advised that this course will suit your book best. I do not dispute his judgment upon that subject. We shall see. But I rest the matter upon this point. It is contrary to the expressed wish of the Representatives of Scotland, and to the reason of the thing, and you have attempted no answer whatever to the arguments of my right hon. Friend the Member for Sheffield, or to the overwhelming arguments of the Scotch Members. While I admit the rhetoric of the Lord Advocate, even he has not attempted to meet the arguments. Whatever may be the result of this Division, I am quite certain that the result will be to convince everyone that in their decision the Government are wrong, and that the majority of Scotch Members are right in their demands.

(5.36.) MR. E. ROBERTSON (Dundee): I should like to submit one consideration which I do not think has yet been brought forward, that is, the relations which the proposals of the Government bear to the professional and personal interests of the schoolmasters. Two or three months ago I had the honour of meeting a deputation representative of the public schoolmasters of the East of Scotland. They said that in the present transition state of things the fee system cannot last. They said that the people of Scotland, having tasted blood in the matter of free education, will not be content to pay fees any more. They added that it would affect their pockets very seriously, because the Local Authorities would give free education without increasing the rates, and they would begin by lowering the salaries of the schoolmasters. My hon. Friend mentioned yesterday that in the parochial schools if a promising lad desired higher education his poverty was no bar to his acquiring it, and he was educated, if necessary, at the expense of the schoolmaster. Knowing that, I recognise the reasonableness and force of the representation made by the schoolmasters of the East of Scotland. I think they are right in saying that the people of Scotland will not be content to pay fees at all, seeing that five-sixths of the school children are already provided for free. Scotland has not treated generously the men who promoted her public school system, and who rendered her such a splendid service. The point taken by the representatives of the schoolmasters, I think, touches the kernel of the question. At present the Lord Advocate is in the half-way house. The half-way house is a very convenient thing, but people do not like to stay there all their lives. But that, apparently, is what is proposed with regard to public education in Scotland. Now, the speech of the Chancellor of the Exchequer to-night was an example of his very worst style of Parliamentary manner. He made the complaint that all the money has been given to one class, the working or poorer class; and when my hon. and learned Friend the Member for Aberdeen relieved his ignorance by reminding him that the public education system of Scotland was never confined to the poorest class, instead of meeting that objection, he merely founded upon it a new objection, and said it deepened the difficulty. That is a rhetorical artifice, a trick of debate, and we do not want these fireworks in a serious Debate. How does this money come? Simply because Providence in its wisdom and kindness has bestowed upon us what we scarcely expected, a blundering Chancellor of the Exchequer. He comes with a sum of money, the result of his miscalculated schemes. He begins by setting aside a portion of this money for the use of the Scotch people; and when it comes to a question of what they are to do with that money, he denies to the Representatives of Scotland the right to say what use they shall make of it. It seems to

me that the refusal of the Government to entertain this Amendment is in direct contradiction to the ear-marking of this money for national purposes which stands on the face of their Bill. The Chancellor of the Exchequer has spoken of the duty of parents to provide education for their children, and the Debate has proceeded very much on that basis. So far as the educational opinion of Scotland is concerned, that is an entirely false basis. We look upon it not as a parents', but a citizens', question. We consider it is the duty of citizens to provide the best education possible for the children of the community. We do not narrowly inquire into the parents' duty in the matter. We say that the remnant of the fee system which is still remaining under the law is deleterious and harmful. I do not think the explanation of the Lord Advocate makes the case any better. The words introduced are most awkward and embarrassing; and if they stand, we shall, no doubt, two or three years' hence, have to take the opinion of the right hon. Gentleman when he occupies another and more dignified position, from which he will be entitled to speak with authority as to the meaning of these words. At present he is no more an authority on the meaning of these words than any other Member of this House, lay or legal. The words do limit this gift to the compulsory standards, and it is against that limitation that the whole body of Scotch Members have entered their strong and unanimous protest.

(5.45.) MR. M. J. STEWART (Kirkcudbright): After what we have heard with regard to the universal view of Scotland, I may, perhaps, be permitted to say that free education in Scotland has not at all proved so satisfactory as was expected. It is not only my experience as the chairman of a large school, but the experience of other chairmen of School Boards in the two southern counties of Scotland, that there is difficulty in getting the children to go to school. I think the Government are perfectly right in taking up their present attitude. You cannot dissociate the parents' duty from their children; and I object to the parents being put aside. I maintain that Scotland is thoroughly satisfied with the £40,000, and we ought not to rush into the matter of free education in the belief that that opinion is such as hon. Members opposite have represented. It is not. There is a strong body of opinion as favourable to the Government on this question as hon. Members opposite can possibly claim for themselves.

(5.48.) MR. HUNTER: I think it is most desirable that the House should understand what the Government really mean by this clause. By the Returns we have 674 schools, in all of which fees are abolished not only in the compulsory, but all the standards. I wish to know whether any portion of the money will go to these schools?

MR. J. P. B. ROBERTSON: I think that very fairly raises the question. It will.

MR. HUNTER: If this money is given to the Board Schools it must necessarily be given in addition to the school fees, and, therefore, is not in aid of the rate. If you limit the application, I do not see how you can, consistently with law, give money to that class of schools. If you do, then the argument of principle falls to the ground. You are going to aid a large number of schools in Scotland. There are 2,267 schools in which the compulsory standards are free. According to the latest figures which the Lord Advocate gave, there are only 98 schools in the whole of Scotland which fall short of entire freedom in the higher standards. What I want to know is, how this £40,000 is to apply to the 98 schools? It is obvious that these words are a mere blind, because, in point of fact, you are not going to confine this money to the compulsory standards; you are going to give it to schools generally for all purposes. It is necessary that we should clearly understand the meaning of the clause.

(5.51.) MR. J. P. B. ROBERTSON: There seems to be a great deal of feeling about what I said last night; but hon. Members do not realise the method of the distribution of the money under last year's Act. We prescribed certain conditions, and stated that free places were to be provided in certain standards. We said, "If you like to take the responsibility of paying the fees, we shall give you a grant." In many cases where they accepted the condition, they interpreted it imprudently, and they were not able to meet out of our grants the

deficit which they created. The consequence was, that they had to impose rates. We have never taken any responsibility for that; and so far as the higher standards were concerned, we said it was entirely a matter of domestic economy. We simply gave the money according to the average attendance at the school, and in some cases the Local Authority made a good bargain and in others a bad bargain. The hon. Gentleman said I might state my opinion of the law; but the Courts would determine otherwise, and I could not enforce my opinion. I am willing to back my opinion; and I will undertake, on the part of the Government, that the Minute under which the money is to be allocated shall be on the same footing as that of last year.

(5.55.) MR. CUNINGHAME GRAHAM (Lanark, N.W.): I would point out, in reply to the hon. Member (Mr. M. Stewart), that if there be any reason for the difficulty in obtaining the attendance of children in the counties of which he speaks, it arises from the fact that competition for existence is becoming keener and keener, and that poor parents rely on the small sums, the odd sixpences, earned by their children. It is unfair, therefore, to lay the entire blame upon the parents, when we know that it is the state of society which compels them to send their children to work.

(5.56.) MR. BUCHANAN (Edinburgh, W.): After the speech we have heard from the Lord Advocate, it is hardly worth while for the Government to continue to adhere to the conclusion at which they have arrived. We are still absolutely at a loss to understand why these words have been inserted in the Bill this year. Of the £190,000 given for the payment of school fees, £150,000 we thought was available for payment of fees in the old standards, and £40,000 only is for payment of fees in Standard V. Apparently, that is not the case; and according to the statement of the Lord Advocate, it is to be made available in whatever standard the fees are remitted. Is it worth while to stand out for the insertion of these words, which will only prove a great difficulty to School Boards, and to all Educational Authorities in Scotland? We have heard that the Minute which is to be issued by the Scotch Education Department is to be in accordance with the terms of the Minute of last year. The money was given for the remission of fees in all the standards according to the discretion of the School Boards, yet you assume that the money this year shall only be available for the abolition of fees in the compulsory standards. It is a most pernicious system to introduce, and will, if carried out, do a great deal of damage to the cause of free elementary education in Scotland.

*(6.0.) MR. BRYCE (Aberdeen, S.): My hon. Friend the Member for West Edinburgh has just asked what possible reason the Government can have for retaining these words after the avowal of the Lord Advocate. I think the reason must be that the Chancellor of the Exchequer is looking forward to, and preparing to deal with, the case of England. Since last year the Government have made up their minds to introduce free education into England, and, therefore, they are anxious not to lay down a precedent which shall be appealed to in the case of England next year. The Lord Advocate has said that the Minute of the Scotch Education Department will be the same as that of last year. If that is so, what reason can there be, so far as Scotland alone is concerned, for putting a clause into the Bill now which was not in the Bill last year? We protest against determining purely Scottish questions by reference to English questions which have not yet arisen.

(6.3.) SIR G. CAMPBELL (Kirkcaldy, &c.): I think it is very much to be regretted that the First Lord of the Treasury should have left just at the very moment when we are appealing to him, with a view to avoiding a Division. The Lord Advocate has just told us, in so many words, that, in defiance of these very words which are pressed into the Bill, the Minute to be issued will be the same as that of last year. The simple solution of the matter would be for the Lord Advocate to vote for the Amendment. I am sure the First Lord of the Treasury does not know what has happened, or he would have been here. The Lord Advocate has made an aggressive and offensive speech, which will certainly do harm to

the Party of the First Lord, who, having thrown up the sponge, desires the Session to be brought to a speedy close. I think it most imprudent and unfortunate that the First Lord should have withdrawn without taking the matter out of the hands of the imprudent Lord Advocate. My hon. Friend suggests that we should move to report Progress. It may be possible that the First Lord has withdrawn to consider this matter in coolness, and that he will shortly re-appear. The Lord Advocate, having delivered an aggressive and imprudent speech on the previous Amendment, declines to give any answer whatever to the Amendment of my hon. Friend the Member for Perth. I beg to move, Mr. Courtney, that you report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Sir G. Campbell,*) —put, and negatived.

Original Question again proposed, "That the words proposed to be left out stand part of the Clause."

*(6.5.) SIR LYON PLAYFAIR (Leeds, S.): I make one appeal before we go to a Division. I think, now that the discussion has taken place, that the Chancellor of the Exchequer must feel that he is tying his hands with regard to England, and making a precedent which is perfectly inapplicable to the education of England as well as to Scotland, and that will injure the consideration of the question when he comes to deal with free education in England. By the Act of 1872, Scotch education is a complete exception to that of England. It was not, according to the Preamble of the Act, for the workmen or the poor of Scotland, but for the people of Scotland. In other words, it meant that the higher subjects were to be a part of the education given in the parish school, according to old usage. The Chancellor of the Exchequer might, as he has done with regard to Wales and Ireland, in which the money is given to intermediary education, have left the question open in Scotland; but what has he done? He has set the precedent that the money shall only be applied to the compulsory standards in Scotland. How will that work in the case of England? It will hamper the Chancellor of the Exchequer most thoroughly. Take the town of Bradford, for instance, where the compulsory standard was until recently only Standard II. Is he going to make the minimum down to such a miserable standard as two, or is he going to make it up to Standard V., as in Scotland? If he does either one or the other he puts himself into most serious difficulties in the agricultural districts, where the higher standards will be resisted, and in the towns, where the lower standards will be resisted. He will find it perfectly impossible to apply this principle introduced into a Scotch Bill to England. The whole of the Scotch Members on this side are against it, and his own supporters are only lukewarm. I have some experience in educational subjects, and I can assure the Chancellor of the Exchequer that he is making infinite difficulty for himself when he comes to consider the English question. He will do a most gracious act by allowing the people of Scotland to educate their children in the way they wish. By insisting on this provision he is offending them and creating a difficulty for himself, which he will not get over when he comes to deal with the question in England.

(6.10.) SIR W. HARCOURT: The justification of my hon. Friend the Member for Kirkcaldy, in moving to report Progress, was that we desire to appeal to the First Lord of the Treasury and the Chancellor of the Exchequer, who really are the financial masters of this question, as to the statement of the Lord Advocate made in their absence. That statement must have struck everyone as having a most serious bearing upon this Amendment. Hitherto, the discussion has been on the principle of the question. When the Lord Advocate says that principle will not be enforced at all, what becomes of these words? Why are they put in? The Lord Advocate says he leaves the practice with regard to the compulsory and non-compulsory standards exactly as it was last year. The Minute is to be the same. Then, why in the name of common sense is the legislation not to be the same? I do not wish to be offensive, and I will not use the word obstinacy, but why this persistence?

*The FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): The right hon. Gentle-

man has appealed to me and my Colleague the Chancellor of the Exchequer, as if these words were introduced on the Motion of my right hon. Friend and the First Lord of the Treasury. They are the words of the Government. They express the view of the Government that, as far as Imperial funds are concerned, it is not desirable that Parliament should pledge itself to free those standards beyond the present compulsory standards. The Lord Advocate has explained clearly enough that the Minute of the Scotch Education Department provides that the funds should be applied to freeing the compulsory standards, and he has undertaken that the words of the Minute for the application of the further sum to be granted under the Bill shall be substantially the same as the words of the previous Minute. No restriction will be placed upon School Boards in the application of the fees. I trust there will not be a prolonged Debate, and that the House will understand that we are not pressing the matter in a spirit of obstinacy, but because we regard the principle as one of some importance in the application of Imperial funds.

*(6.14.) MR. CAMPBELL-BANNERMAN (Stirling, &c.): I am very sorry to find that the amiable reply the right hon. Gentleman has made—amiable because to be brought back to the House on a Motion to report Progress is scarcely a proceeding to pass without leaving some trace of resentment on the mind of the right hon. Gentleman—is unsatisfactory. We must go over the facts again. The words confining the benefit of the money to the compulsory standards mean that the money is not to be expended for the relief of fees in the voluntary standards. The First Lord of the Treasury laid down the principle that if fees are abolished in the voluntary standards, it must not be done with Imperial funds, but out of the rates. But under the Bill of last year fees have been abolished altogether in 700 or 800 schools in Scotland. Where, then, is the principle of the right hon. Gentleman? I can only see two possible motives for the Government's tenacity to the words. Either the words possess some secret virtue, as affecting the proposals which may be made next year with regard to England; or else the Government, in their desire to snub the Scotch Members, have actually put in words which they admit to be unnecessary, in order to emphasise the fact that they do not intend to go beyond the compulsory standards. Really, I do not believe that can be the motive, but it is difficult upon any other interpretation than this to explain the introduction of the words now that the hollowness of the whole position has been exposed. But even now, after—or rather in consequence of—this long Debate, the right hon. Gentleman may see his way to yield.

(6.20.) DR. CLARK (Caithness): I wish to put this clearly before the Chancellor of the Exchequer. In the northern counties of Scotland we have got absolutely free education in every standard, compulsory and non-compulsory. More than that; we have reduced the rates. What I want to know from the Lord Advocate is whether we will be in a position in the northern counties to apply this money to all the standards? In some cases we have increased the salaries of the schoolmasters, and taken 6d. in the £1 off the rates. With this money and the grants earned, the probability is we shall be able to reduce the education rate by one-half. Notwithstanding the words inserted here, I am glad to learn that we are going to get the money; still, if they insist upon these words, they will not command the confidence of the Scotch people nor of business men, as practical statesmen.

(6.22.) SIR G. TREVELYAN (Glasgow, Bridgeton): I wish to put a case which is absolutely unanswerable according to the principle laid down by the Lord Advocate. It is true that the fees of all standards have been abolished in a large number of schools. But there is a much more serious state of things. There are 2,300 schools in Scotland in which the money paid from Imperial funds hitherto had been just enough to abolish fees in the compulsory standards. If any use is to be made of the £40,000 now to be given, it must be for the abolition of fees in the non-compulsory standards. It is clear to me that under the present Bill the Scotch Education Department is legally prohibited from giving any of the money for the purpose of abolishing fees in the non-compulsory standards. What is the case in the great City of Glasgow, which represents a very large part of Scotch urban

life? In that city all the Schools except 10 have abolished fees in the compulsory standards. Out of this £40,000 Glasgow gets £7,000. What is she to do with the £7,000? I maintain that if these words have any meaning whatsoever Glasgow will be unable to apply that money to freeing the Sixth Standard in any of her elementary schools. I think we ought to have a clear answer from the Lord Advocate. It is absolutely certain that in a school where the compulsory standards are already free, these Imperial funds may be used to free the non-compulsory standards.

(6.29.) MR. J. P. B. ROBERTSON: The answer is quite simple. I showed last night that the amount we are going to give to the managers of schools in Scotland amounted to £250,000 last year and £40,000 this year—in the aggregate £290,000, while the total amount of fees paid in the compulsory standards might be estimated at £283,000. The result is, that the money to be given a little more than meets the necessities for freeing the compulsory standards. The right hon. Gentleman would be perfectly right in saying that there are cases in which the ratepayers would have a good bargain, but not in saying that the bargain is good for the non-compulsory standards. It is a good bargain for the ratepayers. The result in cases where there is an excessive sum will be that the excess will go to reduce the amount of the rates. If the ratepayers like to extend the freedom, that is their affair, and we take no responsibility in the matter.

(6.31.) SIR G. TREVELYAN: I understand from the right hon. Gentleman's answer that the words have only a general signification as regards the whole of Scotland, but are not in any way legally binding on the Department or on the use to which the money is put. In that case the words are absolutely and perfectly useless, because they only repeat what is laid down by the fact that only enough money is given to free the compulsory standards over the whole of Scotland. I understand the right hon. Gentleman says that in the case of the Glasgow School Board, for instance, the money will be paid over, though it can only be used for the purpose of freeing the non-compulsory standards. Is that the right hon. Gentleman's opinion?

MR. J. P. B. ROBERTSON: The right hon. Gentleman seems to be under a misapprehension as to the mode in which we deal with the fund. We do not pay the money over to a particular class or standard. We simply say, "Free the five standards; here is the money." The right hon. Gentleman omits to notice that in all the cases he puts there are rates.

(6.34.) MR. W. P. SINCLAIR (Falkirk, &c.): I do not approve of the proposal of the Government to include these words and intend to vote against it; but I can quite see that, from their point of view, they are reasonable in wishing that the funds provided should be limited to the compulsory standards.

(6.35.) SIR W. HARCOURT: I wish to put one question in the case of a school where at present the grants just free the compulsory standards: Will or will not any more money be given under this Bill? If such a school is to get anything under the Bill, what is it to do with it? Is it, or is it not, to be allowed to apply the money it will get under the Bill to the standards above those which are compulsory?

(6.36.) MR. J. P. B. ROBERTSON: I am sorry to intrude on the Committee again, because I have already answered that question over and over again. I will answer it again out of respect for the right hon. Gentleman. In the case he puts, where the fees have been abolished and there is no deficit, the School Board will still receive the grant. The money will go to those who manage the school for the ratepayers, and, accordingly, the ratepayers will take the benefit.

(6.37.) MR. D. CRAWFORD (Lanark, N.E.): There is a flaw in the Lord Advocate's explanation. He says if a school receives more money than is required for freeing the compulsory standards it will go to the relief of the rates, and then he says if the ratepayers choose to be generous they are at liberty, if they please, to free the non-compulsory standards. I would point out that under the law of the land the managers are not entitled to have free schools at all except so far as that has been restricted by the grants made last year, and consequently if the

managers are in future to be able to free the non-compulsory standards the word "compulsory" is not in accord with the facts of the case.

(6.38.) SIR G. CAMPBELL: The situation becomes more and more unintelligible. The Lord Advocate says, "We propose to give money to the School Boards for a certain purpose, but if the School Boards choose to set the law at defiance and apply it to other purposes we will not ask any questions." That simply means that the Government give up the substance as far as Scotland is concerned, but they do not want the English to understand that they have done so, and, therefore, they put in words that mean nothing at all. I wish to apologise to the First Lord of the Treasury. I am quite sure his absence was accidental, and I only moved the adjournment in order that he might know what was being done by the Lord Advocate.

(6.40.) MR. ILLINGWORTH (Bradford, W): Last year I impressed on the Scotch Members the importance of their standing firm and doing all they could to complete the system of free education in Scotland, and I gave as my reason that ere long we should be called on in England to deal with the question, and the better and simpler the Scotch measure was the more likely it would be that the English measure would be framed on reasonable lines. The English Members, for the same reason, have a great interest in the way in which this measure is drawn. There is, no doubt, an underlying motive for the action of the Government in this matter. The fact is that the Government is tied by the leg to the least progressive Party on the other side of the House in educational matters, namely, the clerical section of the Church of England. All Scotland ought to know it. The Scotch education system is being injured at this final stage, in order that some paltry and some nominal satisfaction may be given to the Church of England Party. I believe the words we are now seeking to expunge will have no practical legislative effect whatever, and, indeed, the Lord Advocate has given us to understand that Scotland will get what she wants by a side-wind. I think it is a melancholy thing that England cannot fight her own battles, and that, in order to secure some advantage for an English Party, an educational system in which Scotland alone is interested should be interfered with.

(6.43.) MR. ASQUITH (Fife, East): I hardly think even now that the Government and hon. Gentlemen behind them realise the position in which we are placed. The history of this Bill has been a long and melancholy series of blunders and surprises, but I do not think the Government have ever, even on this Bill, placed themselves in such a position of paradoxical and gratuitous folly as on the present occasion. The question about to be put is whether the money to be given by Parliament is to be applied in relief of the compulsory standards. The Lord Advocate knows that there are many schools in Scotland in which the whole of the compulsory standards are free, and yet the managers of those schools will receive part of the fund which, according to the Bill, is to be applied to the freeing of the compulsory standards. What is to be done with the money in such cases? The Lord Advocate says it is to be applied either in reducing the rates or in freeing the higher standards. [THE LORD ADVOCATE dissented.] In whichever of these ways it is applied, if these words stand part of the clause it will be used in violation of the Act. The Government actually invite us to vote for the retention of certain words in the clause, with the express and declared intention that those words are to be rendered of no effect in the practical carrying out of the Act. I invite them once more, in the interest of common sense, to recede from a position which is so grotesquely untenable and absurd.

(6.45.) The Committee divided:—Ayes 197; Noes 158.—(Div. List, No. 208.)

(6.58.) MR. E. ROBERTSON: I rise to move an Amendment which, though not directly suggested by the Debate that has just taken place, is immensely affected by the considerations that have come to the surface in that Debate. The Amendment, or rather the series of Amendments, that I propose to move, strike at the remaining portion of this clause. The Committee will see that the last three or four lines of the sub-

section are really the operative portion. It is provided that the sum which is to be appropriated for the payment of fees in the compulsory standards of the Scotch Code shall be distributed in such a manner and in accordance with such conditions as may be set forth in the Minute of the Scotch Education Department, to be forthwith laid before Parliament. These words are important enough in themselves, but they become immensely more important in consequence of the statements which have come from the Treasury Bench, in particular from the Lord Advocate. To show the full significance of these words I will revert to the right hon. Gentleman's explanation of the last words in question. Those words were objected to by us as being ambiguous and open to an interpretation against which we on this side of the House strenuously protested. We were assured by the Lord Advocate that, in his opinion, the words were not open to the interpretation. Again, it was objected that in this question the Lord Advocate did not speak with judicial authority, or any more authority than that possessed by ordinary Members of the House, but the right hon. Gentleman said—

> "I can do no more than say that this is my opinion, for, speaking as a Member of the Government, I promise that the meaning which I now put upon these words shall be carried out in the Minute of the Scotch Education Department referred to in the last portion of this Clause."

The effect of all that is this. This Minute will define the words about which there has been so much controversy in the House; therefore the importance of the Minute, great as it would be on other grounds, is enormously greater now that it is to have the legislative effect of carrying out the meaning that the Lord Advocate, on the part of the Government, has placed upon the ambiguous words with which we have been dealing. This is a matter the House ought not to trust to the hands of the Department which draws the Minute. The Minute is to be laid before Parliament. How much opportunity Parliament will have to discuss the Minute, after it has been laid before the House, at this period of the Session, any Member may ascertain for himself. Evidently we shall have no opportunity of discussing the terms of the Minute, and that means that on this most important question the meaning and construction to be placed on these disputed words is to be left entirely with the Lord Advocate and the Gentlemen constituting the Scotch Education Department. I most emphatically object to entrust the definition of so important a phrase as this, involving so many questions as this does, to a body outside this House, whose work cannot be effectively criticised in this House. We know that if we let the question slip now it will never come back to us, and all we can rely on is a promise, not enforcible, made by the Lord Advocate across the floor of this House, the execution of which will be entrusted to others over whom we have no control. This is nothing more or less than an important question of definition. The Lord Advocate has agreed that the words are to bear a certain meaning, and we are entitled to have that assurance made good. On the faith of that assurance he won the victory in the last Division, and the House collectively is entitled to call on him to make good the assurance on the faith of which the Division went in his favour. That cannot be done if you leave the definition to be framed by a number of gentlemen who do not, however well they are acquainted with the educational system, know the opinion of this House. The Amendment I propose to move will be to this effect. I propose to strike out the words "Minute of the Scotch Education Department to be forthwith laid before Parliament," and to substitute the words "the Schedule annexed to the Act." A Schedule will then be drafted and brought under the review of this Committee. This proposed Minute will not be an ordinary Minute; it will carry out this most important pledge of the Lord Advocate, and this is a subject the House itself should deal with. We have had in this Session, and in connection with this Bill, too much of legislation by reference. We are referred from one Act to another, and, lastly, we are referred to a Member of the Education Department, and these repeated references are most objectionable. Let us take the legislative decision into our own hands. I have every confidence in the Department in reference to matters of educational administration, but I have

no confidence in their legislative capacity. I have no confidence in their power or desire to carry into effect the wishes of this House, more particularly of Scotch Members of this House. What is called the Scotch Education Department, the body which will have the framing of this Minute, is really an English excrescence, owning no allegiance to Scottish opinion, and which is not in touch with Scotch Members, and it is better, where great legislative principles are concerned, for the House to take the business into its own hands, and state its own wishes in its own words.

Amendment proposed, in page 2, line 14, to leave out the word "such," in order to insert the word "the."—(*Mr. Edmund Robertson.*)

Question proposed, "That the word 'such' stand part of the Clause."

(7.10.) MR. J. P. B. ROBERTSON: The course which we have indicated is precisely that which was followed in a parallel, but more important and more novel, case last year. In the Local Government Act, when the proposition was for the first time made that money should be distributed for the purpose, and before the Bill was carefully considered in Committee, the Government were, in course of discussion, asked to indicate the nature of the rules which would be put into the Minute. This was done, and the Minute was issued, and upon it I have never heard any adverse criticism. We have, accordingly, followed that satisfactory precedent. The effect of inserting a Schedule will be to carry this matter out of the region of annual discussion when the Code is laid upon the Table, and this is an objectionable principle to those who desire a discussion of the proceedings of the Department. It is one of those things upon which experience is desirable, and the opportunity should be left open for modification, should such be thought desirable. I hope the Committee will decide in favour of the Government proposal.

(7.11.) MR. CALDWELL (Glasgow, St. Rollox): It was all very well at first, when the matter was taken up for the first time, to relegate it to the Education Department. It was a novelty in regard to the first £250,000, but now we are dealing with a supplemental £40,000, and there is no reason why we should not deal with it in the ordinary and legitimate manner in the Bill. We are not now determining how these £40,000 are to be applied. Then, with regard to taking this matter out of the region of annual discussion, I may say, speaking from recollection, that in the Local Government Act there was to be a Minute of the Education Department first, and then it was to take its place annually in the Code hereafter, and so it appears this year; but if you look at this clause, you will find no reference whatever to the Code for the future, and this is significant. There is a provision in reference to these £40,000 as set forth in the Minute of the Scotch Education Department, to be forthwith laid before Parliament. There is no reference to an insertion in the Code, which, if it is intended this should be subject to annual revision, there should be. I cannot see any reason why Parliament should not fix the terms in the Bill, and I support the Amendment.

(7.13.) MR. SYDNEY BUXTON: I do not think there is much force in the objection to the Amendment, that we ought to follow the precedent in the last Act, from which we have already departed. There is force in the argument in favour of a Minute rather than a Schedule, inasmuch as the first can be made the subject of annual revision, while an alteration in the Schedule would require the introduction of an amending Bill. Further, I think, if we may judge from the speech of the Lord Advocate on the last Amendment, the Department is likely to be more liberal in the interpretation of the clause than the House of Commons. The Lord Advocate said that, although the words "compulsory standards" appear, practically the Department would not pay much attention to this point, and the money might be applied to compulsory and non-compulsory standards. I think there is likely to be a more liberal interpretation by the Department than if a Schedule were drawn up under the construction of the Lord Advocate and the Chancellor of the Exchequer.

(7.14.) MR. WALLACE (Edinburgh, E.): The Lord Advocate is not correct in stating that the circumstances under which the present proposition is made are the same as when the Act of last

year was passed. The Act of last year provided that the balance should be applied towards relieving the payment of school fees in State-aided schools, distributed in such manner and under such conditions as were set forth in a Minute of the Scotch Education Department, to be forthwith issued and to be annually submitted to Parliament. There is risk in entrusting to the Department the interpretation of the intention of Parliament. In the first instance, there was not the difficulty and ambiguity of language that there now is; there was not the limitation there is in the present Bill.

MR. J. P. B. ROBERTSON: The first amount of money was distributed in accordance with the Minute. I have no objection to insert words to provide that the distribution shall be in accordance with terms from time to time set forth in a Minute of the Department, to be laid before Parliament.

MR. WALLACE: That gets over one difficulty of the position, but not the more important difficulty which troubles me, the difficulty of the authority to which we are to entrust the practical interpretation of the mind of Parliament in this matter. In a case such as in the Bill of last year, we might with perfect safety entrust the interpretation of our interests to the Education Authority, simply because there was no ambiguity or difficulty connected with them, but there is the utmost difficulty on the present occasion, because the language of the Bill, looked at in the light of the commentaries of its authors, amounts practically to this: we are made to say to the Education Department, "You must not employ Imperial Funds to the freeing of non-compulsory standards, but you may." That practically is the resolution we have come to. It would not be orderly for me to say that is foolish, absurd, and contradictory, but I am at liberty to say it is a difficult proposition to set forth as the practical direction for other people, and I do not think the Scotch Education Department will be equal to the task, because they are not here, they do not understand or appeciate the mind of the House, and the subtle distinctions in our meaning. The Lord Advocate, no doubt, is a prominent Member of the Department, and he has promised to procure to be concocted a Minute to express this very difficult proposition, that a thing which must not be done yet may be done. The Lord Advocate, no doubt, will make his own view clear, but I am inclined to think that the gentlemen of the Education Department, conversant with educational matters, and accustomed to think in the ordinary channels of legal sequence, will regard this proposition submitted to them as a problem which can only be solved by those who concocted it. It is only for Parliament itself to effect the practical interpretation of the resolution to which we have come, and I do not think it is fair to leave this strange and paradoxical proposition to the minds of others. I do not see that there is any objection to the Amendment of my hon. Friend, which I, therefore, shall support.

(7.22.) MR. C. S. PARKER: The proposal of the Lord Advocate, I think, affords the opportunity of arriving at a compromise that will be satisfactory. The present distribution of the money will be upon a principle that will be submitted to the criticism, and require the sanction, of Parliament, and flexibility will be secured by leaving the method open to annual revision.

MR. J. P. B. ROBERTSON: It will be necessary that the first distribution shall be in accordance with the Minute.

MR. C. S. PARKER: That affords the grounds for compromise. I think if the Lord Advocate will make it clear what are the terms of the Minute, and explain how it differs, if it does differ, from the Minute on the last occasion, there is the basis for a satisfactory compromise.

(7.23.) MR. J. P. B. ROBERTSON: Yes; I suppose there is the basis of a compromise which might meet the views of hon. Members. Without pledging myself to precise phraseology, I may say that, *mutatis mutandis*, the Minute will be the same as that issued last year.

(7.23.) MR. E. ROBERTSON: But the right hon. Gentleman has not told us how he proposes to carry into effect the meaning placed upon the doubtful words by himself and the Chancellor of the Exchequer—a meaning which did not present itself to the minds of other Members of the House. It was on the faith of his promise that the last Division was decided—his promise that he would carry out the view he placed upon the clause,

and I ask him how he proposes to do that?

(7.24.) MR. J. P. B. ROBERTSON: I stated the meaning we attributed to the words, and whatever change there is from the form of last year is due to the exigencies of drafting.

MR. BARCLAY: Will the Minute be laid before us this Session? It is important that School Boards should know what money to expect.

MR. J. P. B. ROBERTSON: Certainly. Just as on the last occasion, as soon as the Act receives the Royal assent, the Minute will be laid before Parliament.

(7.25). MR. HUNTER: But that does not enable us to dicuss it. It is of no use simply laying it upon the Table. I entirely disagree with the Lord Advocate that last year afforded a precedent to be followed; rather it is one to be avoided. It is utterly wrong in principle on a matter of this kind to hand over the interpretation which Parliament should settle for itself. Last year, when the Government introduced a similar proposal, we readily consented to their proposal, because they did not then know how they stood in regard to this money, and could not precisely say what they would recommend to Parliament. They issued a series of questions to School Boards, in order to feel their way to some kind of decision. We, under the circumstances, did not stand upon an objection founded upon a technicality, and insist upon the insertion of a Schedule. But the reasons applicable last year are wholly inapplicable now, for there is no doubt of the amount of money available, and which the Minute will refer to. Then why not put in a Schedule, and give us an opportunity of discussing it and dealing with it? My fear is that words may be introduced suggesting to School Boards that any surplus they may get from the Imperial Exchequer should not be applied to free education in the higher standards, but in relief of the rates.

MR. J. P. B. ROBERTSON: No such words will be introduced.

MR. HUNTER: That is consolatory, and, so far, we get on our way. But still, what is more reasonable than to insert the words in a Schedule, for I presume they are ready? It is said that the words may be more easily altered if they come up for discussion with the Code, but we do not want to alter them. I see no occasion for it. There ought to be no such distribution as will require alteration, and I cannot see why the Government should not accept the Amendment.

(7.30.) MR. CALDWELL: The only point in dispute appears to me to be whether the conditions to be laid down should be inserted in the Schedule of the Bill, or set forth in a Minute of the Scotch Education Department. In the latter case there would be practically little or no opportunity afforded to the House of discussing the matter.

MR. C. S. PARKER: The matter has been reduced to a very small point. In my opinion it would be better that the conditions should be inserted in the Bill itself in the form of a Schedule, because that would afford a more convenient method for dealing with the questions that might arise.

*(7.32.) MR. ESSLEMONT: I confess that the statement which has been made by the Lord Advocate to some extent relieves my mind, but I still think that there would be a temptation to Local Government Boards, who are very much interested in economising the rates, to vote themselves more for the reduction of the rates than for the promotion of education in their several districts. I think it would be far better if, instead of giving money in this way for the purpose of reducing the rates, the Government give it for the purpose of encouraging higher education. At present the application of the grant for educational purposes does not go beyond the Fifth Standard, but I am hopeful that, at any rate, in the course of another year this restriction will be removed. It is, however, for my hon. Friend to say whether he thinks he ought to divide on this question of the Schedule. Should he divide the Committee upon his Amendment, I shall feel obliged to vote with him, but I would suggest to him to consider whether, after what has been said, he ought not to be content with putting the Government upon their honour upon this question.

*(7.34.) SIR L. PLAYFAIR: I am sorry I am unable to support the Amendment of my hon. Friend the Member for Dundee. My reason for this is that I think the whole matter has been

placed on a somewhat anomalous position. We have already admitted words limiting the application of the grant to the compulsory standards, but we have been told that, practically, those words will not limit the application of the money to those standards, but that the provision will be applied in an elastic way, the responsibility being thrown upon the School Boards. Practically, that would reduce the words we have adopted to a mere Preamble rather than an enacting portion of the Bill. We are, therefore, in this anomalous position, that those words are not to be within the terms of the Enactment, but are to be carried out with the elasticity attaching to the form of the Preamble, leaving the responsibility on the Government to carry out the provision according to the interpretation they have given. That is a somewhat paradoxical way of dealing with this question, but the compromise offered by the Lord Advocate is perhaps as much as we could expect under the circumstances. I would much rather it should be left to the Government to carry out this paradox, than that the House itself should attempt to do so by inserting conditions in the Schedule.

(7.36.) MR. E. ROBERTSON: My object is to secure full legislative authority by means of words in the Bill itself, rather than that we should rely upon the dubious language used by the Lord Advocate. It is one thing to carry out a proposal such as this by means of a Schedule, which will form part of the Act of Parliament, and a totally different thing to leave it to be carried out through the action of the Executive, who would have no real legislative authority, and whose definition of the language used could not control the provisions of the Act itself. If the words were put into the Schedule they would be of equal validity with the clauses of the Act itself, and the purpose we have in view would necessarily be carried out. Under these circumstances, I am afraid I must insist on dividing the Committee upon the Amendment of which I have given notice.

(7.37.) MR. D. CRAWFORD: I would remind the Committee that, by the existing law, the School Boards are bound to charge fees. This question has already been raised, and it has been decided that they are bound to charge fees, and this remains the law upon the subject, except in so far as it may have been altered by the legislation of last year. The question has been raised as to the meaning of the words the Committee have decided to accept, and the Lord Advocate has practically said that those words are not necessarily operative, but that, in spite of them, the School Boards will have the power of affording relief in the case of the non-compulsory standards. For my part, however, I think the Amendment is one which the Committee ought to adopt, and I shall, therefore, give it my support.

(7.40.) The Committee divided:—Ayes 132; Noes 97.—(Div. List, No. 209.)

(7.50.) MR. HUNTER: I have now to move an Amendment which stands on the Paper in the name of the hon. Member for the College Division of Glasgow (Dr. Cameron), and which is to insert after the word "Parliament," in line 17, the words—

"Provided always that no portion of such sum shall be paid to any School Board, or to the managers of any State-aided school in which fees are charged for the teaching of any standard of the Education Code for Scotland, the passing of which may be compulsory under the provisions of the Education Acts operative from time to time."

Last year the hon. Member for the College Division made a Motion in similar terms to those which now stand on the Paper. I attempted to dissuade him from proceeding with that Amendment on that occasion, and, if I recollect aright, he did not take my advice, the result being that I then voted against him; but the circumstances are now altogether changed. We know exactly how far the grant given by Parliament last year will go in freeing education under the compulsory standards in Scotland, and we have this fact before us, that, after all, it has not been found necessary to charge fees in the majority of the schools, and that where they have been charged it has only been under financial pressure, the local payments not having been found sufficient to enable the School Board to make the remission. In some cases, indeed, they have made charges in excess of those which prevail elsewhere. Now, however, the Government have provided that relief may be given, at all events,

up to the Fifth Standard, but that on the average we are not to go beyond that. But surely we ought to be able to require that in the distribution of the grant, especially in the case of the larger towns, the money should not be given unless the Local Authorities are willing to abolish fees in respect of the higher standards. One important point to be remembered is this, that in Scotland the custom has always been to have a large admixture of the children of parents of different classes in the schools, a much larger admixture than is known in England. This must necessarily occur in the rural districts, because there are no other schools but the parochial schools. These schools are, both from an architectural, sanitary, and teaching point of view, of a superior character. The School Board of Aberdeen, not having received a sufficient sum from the Exchequer to enable them to dispense with fees in all the schools, have selected three of the finest schools in the city, and put upon them the embargo of fees. The result is that in the most recently constructed of these schools, while there are places for over 1,000 children, there are no more than 600 children on the rolls. Owing to the charging of fees there is not a proper number of children in attendance, not that there is any want of children in the neighbourhood to fill the schools, but because those parents who are capable of paying fees are not sufficiently numerous to supply the number to fill the school places. From a mere economical point of view that is a considerable loss; there is a great loss in setting up what may be called genteel schools, or schools for genteel people, maintained out of the rates and taxes, the sum contributed by the parents being ridiculously small in comparison with the cost of the education. Substantially and truly the three schools are paid for by the Government and local ratepayers, to the extent of four-fifths and five-sixths of the whole cost. No one has any right to object to parents who think it is not desirable their children should be exposed to constant intercourse with children of the working classes. A man is perfectly right in bringing up his children in the way he thinks fit; but I contend that if a man adopts the view I have hinted at he ought to do so at his own expense. From the point of view of public policy it would be impossible to teach a worse lesson than is taught by the unfortunate distinction between a fee school and a free school, because it necessarily introduces a class distinction in schools where no class distinction has hitherto been known. Is it not obvious that the physical separation between the rich and the poor leads to mutual ignorance, that mutual ignorance leads to mutual mis-understanding, leads to jealousy and envy on the one side, and ill-founded contempt on the other side? Nothing can be better for taking down the conceit of a young gentleman, whose father can afford to buy him fine clothes, than to put him on the same form with a boy whose clothes have been patched and patched a dozen times, and let him find, probably, that the boy with the patched trousers can easily beat him in the educational race. On the other hand, children of the working men gain much by associating with the children of the upper classes, because they necessarily imbibe some of the refinement which the children of the upper classes are able to acquire at home. In the Scotch people there is a strong feeling in favour of equality. Distinctions of the kind I have described are invidious, they are bitterly hated and resented, and they tend to create that indescribable mental unrest and discontent upon which all the quack doctors of social science practise their nervous remedies. Not only so, but the working men in certain parts of Aberdeen entertain the very practical reason for the abolition of fees, that these schools happen to be in a district where there is a considerable number of the working classes, whose children are not allowed to go to the nearest or the best schools; they are obliged to go to more distant schools, to schools not so good sanitarily, not so fine architecturally, and not having the same distinguished class of teachers. That is a great grievance. What is the total amount that will be reserved to get rid of fees up to the Fifth Standard in all these schools? The Lord Advocate will find it is not large, and this is one of the questions which I hope the right hon. and learned Gentleman will deal with in an effective manner in the proposed Minute. I beg to move

the Amendment which stands in my name.

Amendment proposed, at the end of the last Amendment, to insert the words—

"Provided always, that no portion of such sum shall be paid to any School Board, or to the managers of any State-aided school in which fees are charged for the teaching of any standard of the Education Code for Scotland, the passing of which may be compulsory under the provisions of the Education Acts operative from time to time."—(*Mr. Hunter.*)

Question proposed, "That those words be there inserted."

(8.10.) MR. J. P. B. ROBERTSON: This question has been repeatedly before the House in the last two years, and I think that the merits of it must be familiar to most hon. Members. But let me very briefly state how matters stand. In certain towns of Scotland there are fee-paying schools, attended by the children of persons perfectly willing and ready to pay these fees, and, of course, the schools only exist where there is such a class. The hon. Member has advanced some abstract considerations on this subject. He says it is very undesirable there should be a separation of classes, and so on, but, as a matter of fact, we find that there exists this class of schools. They are fee-paying, simply because the elected School Boards decided that they should be so. These fees yield a profit to the Board, and benefit really, not those who are better off, but the poorer children. This is a method by which the School Board is put in funds actually for the benefit of the poorer classes. We have heard very elaborate accounts of the errors which have been made in the administration of this system, but my answer is that all these questions are local questions, and onght to be determined by Local Boards. I can understand that opinions may differ in towns like Glasgow on the question, but the School Boards, and not the Government, must settle the matter. I contend that it is fair that the School Boards who have such schools should not be discountenanced in exercising their discretion. The policy of the Government must accord with facts; they must take things as they find them, and not interfere with local discretion in matters which must be determined by the Local Authority.

(8.15.) SIR G. TREVELYAN: The Lord Advocate has justly said that this question has been before the House ere now, but I contend that on this occasion it is being discussed under entirely new conditions. Formerly a certain amount of money was handed over to the School Boards of Scotland, to make it go as far as they could in the abolition of fees, but now a sum of nearly £300,000 has been made up for the express purpose of abolishing fees. I maintain that when a nation has resolved that free education shall be given in the compulsory standards, that nation has a right to make conditions in the matter, and the first of those conditions in this case is that no school shall be kept np at the expense of the ratepayers, from which a great mass of the children are practically excluded. The Lord Advocate says we found this obstruction of classes. We did not find it; we made it during the last year. What did we find in towns like Glasgow, Govan, and Aberdeen? In the case of Glasgow we found ten schools, in Aberdeen, three schools, and in Govan, five schools, of great perfection, to which all classes of the population, without distinction, went. In one division of Glasgow I know well there was an admirable school called John Street. We found 1,200 children of all classes attending the school. What exists now? Half the children have been told that they must leave the school if their parents insist upon their rights as ratepayers and citizens to send them to the schools free. By the existing system, which has not been so long in operation as the Lord Advocate seems to believe, children who formerly attended good schools are practically evicted from them, because their parents cannot pay the fees, and are obliged to go to inferior free schools. Yet the fathers of these children help, through the rates, to support these fee-paying schools, and thus a great injustice is entailed upon them. The fee-paying schools naturally attract the best masters and mistresses, and are conducted on a better educational system; thus the free schools necessarily suffer, and here again an injustice is done to the children who attend those schools, and to the parents also. The excuse advanced hitherto for maintaining the fee system—namely, that there is not enough money to free the standards—will be absolutely removed

by this Bill if the desire of the Scotch people is acceded to; and I repeat what I have said on previous occasions, that perfect equality of elementary education is thoroughly in accordance with the national ideas and aspirations of the people of Scotland.

(8.24.) DR. CLARK: I hope the Government will give way on this point. There is very great hardship. I have some right to complain because I had some shares in one of the best of these schools. It was a private adventure school, but did not pay. We handed it over cheaply to the School Board, who are now using it for a different class of children to those who formerly attended it. The poorer children are now obliged to go long distances to other schools which are free. It is very unfair to deprive the children of the working classes of the advantages the school affords; indeed, it is time this kind of snobbery was put an end to. I am sorry we have not had an opportunity of appealing to the Scottish people since this question was raised, but I have no doubt whatever that in Govan and Glasgow, and some of the other towns where this system has been adopted, whenever the people have an opportunity they will put an end to it. The School Boards who are acting in this way were, like the present Unionist majority, elected for one purpose, and are using their power for another. The system is causing a good deal of trouble and discontent wherever it has been tried.

(8.25.) MR. WALLACE: While I sympathise with the political doctrines laid down by those who have preceded me, I think the Government ought to accept this Amendment, on the ground that it is simply the carrying out of their own Bill. The proposition is to give a certain sum for the extinction of school fees in the compulsory standards. If there is a class of people, however, who want to pay fees, why should the Government insist on forcing their subsidy upon such people? I cannot see how the Government can consistently refuse this Amendment, which, to my mind, is simply the carrying out of their own proposal. I deprecate the introduction of contentious matter where a question can be settled on simple grounds of financial economy, and, as it seems to me, logical consistency. I was perfectly surprised to find there was any hesitation on the part of the Lord Advocate in at once acceding to the Amendment.

*(8.27.) MR. J. A. CAMPBELL (Glasgow and Aberdeen Universities): I think the hon. Member who has just spoken has rather mistaken the scheme of the Government. The money is to be given to the School Boards and school managers, in proportion to the number of scholars in attendance in their schools; but these School Boards and managers will have to be left considerable freedom in the manner in which they carry out their operations. This Amendment proposes to make a studied interference with that which has been decided again and again to be proper liberty on the part of School Boards. The system of having one or two schools with fees for all the scholars is not introduced by a School Board except where they believe there is a demand for it. The hon. and learned Member who introduced this discussion spoke very truly of the larger mixture of classes in Scottish schools than in schools in England. That, no doubt, is the case in rural districts; but it has never been the case in towns that there were not graded schools, and to abolish these altogether would be to do an injury to education. Why have the School Boards made some of their schools superior to others, and given them more expensive staffs of teachers? They have done so because they believed there was a demand for schools of that kind, and that they would find people willing to pay higher fees. To put an end to this distinction in schools would simply be, if the schools were to be kept up to their present standard, to throw a great additional burden on the ratepayers. That could only be avoided by lowering the quality of the schools. Should the views of my hon. Friends opposite in favour of this Amendment be carried there will be a gradual lowering of the quality of the schools of Scotland to a common level, and that not a very high one, and there will be a danger of an impetus being given to a revival of private adventure schools. We have been congratulating ourselves upon getting rid of adventure schools, which were so numerous in the towns of Scotland, and were not of a character to do the highest service to the work of education. It would be a misfortune if

private adventure schools were to be revived in consequence of all the State-aided schools being required to be thrown open to all classes of scholars. Such schools as are indicated by the Amendment were established only because School Boards believed there was a demand for them, and if any Board finds it has made a mistake in retaining a school with fees, and that there is not the required attendance of scholars, then, no doubt, it will alter its arrangements. But do not let us interfere with the discretion of School Boards, especially when in doing so we run the risk of lowering the character of the education provided. (8.36.)

(9.6.) MR. SINCLAIR: If this were a political question, and not a practical one, I should be delighted to vote for the Amendment of my hon. Friend the Member for North Aberdeen. But it is a practical one, for the reason that only a certain amount of assistance is given by the Imperial Exchequer in aid of paying fees in Scotland. That is not sufficient for the entire Kingdom, and, therefore, in certain cases these schools in given towns have had to be continued as fee paying schools. The schools dealt with in this Amendment do not themselves derive any benefit from the Imperial Exchequer, either in the shape of the Probate Grant or of the new grant, for, although they receive a share of the Probate Grant, and although it is proposed that they shall receive a share of this new grant, it will have to be applied for the benefit of other schools in the same district, and, thereby, the rich and those better able to pay for the education of their children will be helping forward the education of the children of their poorer neighbours. But more important still than that, is the fact that these schools are an attempt to solve a very great difficulty. In Scotland there is an absolute want of anything in the shape of secondary education, and in that way these schools have performed most useful and admirable work in creating and promoting higher elementary, and in improving secondary, education in these towns. It would be most unfortunate if these schools were entirely abolished. While I have always looked upon their existence as merely temporary, I think the day will come when probably they will have the same advantages as the elementary schools have, and then those in charge of them will be able to adopt the policy which is being advocated. Under these circumstances, I feel myself unable to support my hon. Friend's Motion. I hope that while these schools—which have diminished in number in the past, and are likely to continue to diminish accordingly as the principle of free education is more generally adopted—will continue to receive support to some extent by the payment of fees.

*(9.10.) MR. PROVAND (Glasgow, Blackfriars): The last speaker surprised me by expressing the hope that those schools which insist on charging fees will by-and-by enjoy the advantages which belong to other elementary schools. That is the very thing we are asking for. It is because these schools insist on charging fees that this Amendment has been brought forward. We desire to see all our schools free of fees of any kind whatever. I think the last speaker, therefore, must have misunderstood the object which we have in view. There is nothing in this Bill which is more at variance with public opinion in Scotland, with reference to education, than this permission to school managers who receive grants to charge fees, and thus to compel the parents, who are too poor to pay the fees, to send the little ones a long distance from their homes, in order to get free education. The hon. Member for the University of Glasgow stated that this question had already been decided several times by this House. It is quite true that the question was decided adversely to us last year, but it should be remembered that the decision come to was against the weight of Scotch opinion, and that the majority of the Scotch Members supported the principle of this Amendment. Since then public meetings have been held in various parts of Scotland, and at these, resolutions have been passed confirming the principle of this Amendment; therefore, Scotch public opinion on this subject is perfectly well-known, and no hon. Member can get up and say that that opinion is in favour of allowing fees to be charged in any elementary schools in Scotland. Yet the Government, by their present proposal, will allow managers of certain schools to insist on charging fees, and thereby make those schools what may

be called *genteel* schools. That, again, is entirely at variance with public sentiment in Scotland. Social equality in educational matters has been the common feeling in Scotland, ever since the parish schools were established in the time of John Knox, or immediately afterwards. Children educated in them have belonged to all classes, and very few Scotch children indeed have found their way into other schools. It has been admitted in the course of this Debate that there has been a far greater variety of children in schools in Scotland than in schools in England. In the latter place they have been classified to a certain extent, whereas in Scotland, up to the present, there has been very little classification. We desire to avoid classification. We prefer to maintain the democratic feeling in Scotland with respect to education. The hon. Member for the University of Glasgow has suggested that in the schools in which fees are charged a superior education is given to that which will be given if the fees are abolished—that the education will then become inferior, because the masters and teachers will have to be paid lower salaries and, consequently, will not be able to keep that school up to the customary high standard. But the hon. Gentleman must have overlooked the financial position of the question. The Lord Advocate stated that it only required £33,000 to free the whole of the compulsory standards in every school in Scotland. Yet in this Bill the grant to be made amounts to £40,000, and, therefore, there is a margin of £7,000 left; and should the schools to which the dissussion refers decide to take advantage of this grant, can anyone say that there is any necessity for them to be less efficiently equipped and less able to maintain the high standard of education which has hitherto characterised them? I should like to remark that only six or eight Scotch Members last year voted against the principle of this Amendment, while the enormous majority of Representatives for Scotland were in its favour.

(9.20.) MR. C. S. PARKER: I think the number of Members who voted against the principle of this Amendment last year was rather more than six or eight. I know that among the opponents of it were the hon. Member for North Aberdeen and myself. We voted against it on temporary grounds—having regard to the financial position of many of the most important School Boards in Scotland, and if the Government had been guided this year by the voice of the majority of Burgh Scotch Members, if they had been willing to give the additional £50,000 towards free education, I think there would have been an end of this difficult question, because there would have been no longer any School Board in Scotland, which would have wished to keep up fee-paying schools when their finances were in such a good condition. My difficulty is this: that we are providing now for the current year, and the money which is being voted will suffice to meet the average requirements of Scotland. But, as a matter of fact, in individual cases—in the case of several large towns and especially in the case of the City of Glasgow—it will fall considerably short of what is required. The hon. Member for North Aberdeen has in no way exaggerated the importance of the proposition which we are now advocating; but I think he made a little mistake as regards the number of schools in respect to which the difficulty exists. We have been told that there are rather over 3,000 schools in Scotland, and that only a paltry 43 come under this system of paying fees. But, Sir, what the hon. Member did not recognise, and what I think the House should distinctly bear in mind, is, that you cannot take the measure of this question by the mere number of 43 fee-paying schools. You must look to the fact that these schools do not exist in any way for themselves alone. They exist in pursuance of the policy—as in the case of Glasgow—of a great School Board which is to prevent the imposition of a heavy rate upon the citizens in order to secure the provision of adequate school accommodation in the city. I am afraid that in the case of Glasgow, the funds voted by Parliament will fall short by many thousands

of pounds of the amount necessary to free the whole of the compulsory standards in all the schools. I sympathise very much with what has been said about the position in which some parents are placed. Hitherto, of course, they have been compelled to find the fees. Then they were told that the education of their children was to be free; but when they made inquiries, they discovered that, however satisfied they might be with the school in which their children had been educated in the past, that was not to be one of the free schools; and if they desired free education, their children must go further afield. I do not know that in any case it has been found necessary to send children an inconveniently long distance in order to get free education; but, still, parents who have been satisfied with one school, have felt disappointed at finding that it is to be maintained as a fee-paying school. I do not agree with the principle laid down by my right hon. Friend the Member for the Bridgeton Division of Glasgow, that there should be complete equality in educational matters—that children of different classes should sit side by side. I do not think we ought to carry that quite so far. I dare say most Members of this House send their children either to a private school or to one of the great public schools of the country. No doubt many of the wealthiest parents in England are sending their children to public schools, which live to a great degree on endowments left them in years gone by. I am not prepared to lay down the principle that no one should be allowed a share out of the public taxes, or of the public rates, unless he is prepared to send his children to an elementary school. I agree with my hon. Friend the Member for Glasgow, that it would be a retrograde step which would tend to the revival of those private adventure schools which were so largely extinguished by the liberal conduct of the School Boards; but I would venture to put before the House an ideal of which I think we are within measureable distance and which would get rid of this difficulty. I think we are rapidly arriving at the point when schools which are ambitious in their programme should be classified differently from the ordinary public schools. I do not think it is reasonable or fair as in the case of the Glasgow Grammar School or the Aberdeen High School, that these schools should receive no assistance directly from the Imperial Exchequer; and that, at the same time, the Garnet Hill School should receive substantial assistance from that source. I think the School Boards should choose between one of two things: either they should curtail, in some degree, the programme of these schools, or they should be prepared to transfer the management of them to another Department, and have them treated as schools giving a higher education and preparing children for a higher kind of education. Even in the high schools and grammar schools there should be a percentage of free places open to these people who are willing to make educational provision for their children without taking into account their wage-earning capacity. I look forward to the time coming before long when we shall have a larger number of free secondary schools in Scotland, and also a considerable development of these *quasi*-secondary schools, all of them charging fees until Parliament shall more liberally provide, but all of them giving for working class children a number of free places. On the whole, I cannot take the responsibility of laying down by Act of Parliament in the case of so flourishing a School Board as that of Glasgow that they shall no longer keep schools of this kind. I think we must leave their hands free in the matter. In Glasgow they have one-tenth of the whole school population of Scotland; and if the School Board there do not see their way to dealing with this one-tenth without having a certain number of fee-paying schools, I, for one, cannot accept the responsibility of forcing them to change their system.

(9.33.) MR. CALDWELL: This question will come before the citizens of Glasgow, as well as the whole people of Scotland, in March next, and also at the next General Election. It will not be allowed to rest. It is true the Scotch Members were not very unanimous when the question was before the House on the previous occasion; but since then the circumstances have most materially changed. Previously there was not

sufficient money to free education in the compulsory standards in all the schools. In fixing on the £40,000, the Government think it should be sufficient to free education in those standards. If it so happens that in the case of any School Board the grant is not sufficient to free education, the cause is that they have been charging higher fees than other Boards. To that extent they will have been saving the rates. If, as the hon. Member for Perth says, Glasgow has one-tenth of the whole school population of Scotland, she will get one-tenth of the £40,000 extra, and that will clear all the fees that are being at present paid in the compulsory standards, in the East End schools, the average school fee in Glasgow being about 16s. a head, whilst in the rest of Scotland it is 12s. The question comes to be one of principle, though hitherto it has been argued as one of money. The whole argument in Glasgow was based on the fact that they had not sufficient money, and the Board would not face the question of principle, whether it was right and proper to have fee-paying schools while the remaining schools were free. The Lord Advocate, who evidently knows little or nothing about the school question in Scotland, argued the matter as one of principle; for if he had argued it as a question of money, we should have at once said to him, "How about the £50,000 which you have in your own hands?" He argued that it was a right principle that the upper classes should be able to send their children to school without their mixing with the rabble. But in Scotland the system has always been that the public school and the State-aided school should be open to all classes of the community without distinction of rank. The Act of 1872 allowed parents to have their school fees paid by the Parochial Boards, and to select what Board Schools they pleased for their children. A parent who had the school fees paid for him could send his children to the Garnet Hill School or any other State-aided school in Glasgow; so that the child of poverty had an equal choice of school with the child of the wealthiest. It was left to a Conservative Government to draw a distinction, for the first time in Scotland, between the class of schools, and to say that some should be fee-paying, from which the children of the poor, ordinarily speaking, should be excluded. Then, in the case of the endowment schools, education was given at less than cost price. It was thought that there should be social intercourse between the classes, and that intercourse was the *quid pro quo* that the Endowment Commissioners considered warranted the giving of education in a charity foundation at less than cost price. The school fees paid by the parents do not represent the whole cost of the education. They do not, for instance, represent the cost of the school buildings. The School Boards take the best buildings, erected at the cost of the ratepayers, and set them aside as fee-paying schools; and I undertake to say that a careful calculation would reveal the fact that the cost to the ratepayers of these fee-paying schools is greater than that of the free schools. The payment of fees is not for the purpose of aiding the rates. The ratepayers do not get the money, but the idea is that they reap some benefit in return. The teachers are more highly paid and better qualified than those of the other schools; the children are supposed to be of a higher class; the schools are superior and also the school appliances. We often hear hon. Members opposite say that they desire to raise the working classes, but that is not what they are doing here. According to your present policy you are lowering them. Those who are down you want to keep down, and those who are up are to be kept there, and at the same time to have the benefit of the money of the State. No one objects to the upper classes having a better education if they pay for it themselves; but what we object to when you are dealing with State money is that one class should be able to enjoy it in a select and exclusive way. If they want it let them take it under the same conditions as the poorest people. These are the principles on which we join issue with the Government. It is all very well for them to think that they are raising the cry of education. It is all a question of class distinction. I shall certainly support the Amendment.

(9.45.) MR. HUNTER: Some allusion has been made to my conduct, but I do not think the hon. Member who

mentioned my name informed the Committee of anything I had said that I had not informed the Committee of myself. I said last year that I opposed this principle as inexpedient and inopportune.

MR. C. S. PARKER: I did not attack the hon. Member. I said both he and I were of opinion that this was premature, and that I still regarded it as not yet ripe for Parliamentary action.

MR. HUNTER: I should not have risen on that point at all, but the case of the Glasgow School Board has been cited as an example in the course of the Debate. I maintain, however, that this Board is the worst sinner in all Scotland in respect of one cardinal duty of a School Board—to distribute its burdens fairly and honestly between the parents and the ratepayers. I think that we may take it that the general practice throughout Scotland is a fair indication of what is reasonable treatment as between the parents and the ratepayers. Those who have taken the trouble to study the figures from 1872 up to the present time will find one very interesting and consoling fact; and that is, that the School Boards in Scotland, as a whole, have not spared the rates at the expense of the parents. The Glasgow School Board, however, has systematically overcharged the parents in order to save the pockets of the ratepayers. Whilst the average school fee in Edinburgh is 10s. per head, and the average fee throughout the whole of Scotland is 13s., in Glasgow it goes up as high as 16s. Three-fourths of the people who send their children to the Board Schools in Glasgow live in houses of not exceeding £10 a year, and they consequently pay 13 per cent. of the rates. Those who are richer pay 87 per cent.; therefore, the reason why the parents are overcharged is not far to seek. So far from regarding the School Board of Glasgow as an authority to be relied on here as an example, I think the contrary is the case. That Board represents a congeries of sectaries of various kinds, and does not represent the people of Glasgow. In other parts of Scotland, no doubt we have suffered from the cumulative Vote, but in no part of the country has that suffering been so acute and sectarianism so rife as in the City of Glasgow.

(9.50.) The Committee divided:—Ayes 90; Noes 128.—(Div. List, No. 210.)

(10.3.) MR. BARCLAY: I beg to move the omission of the words "including any sum not applied and distributed in terms of the preceding sub-section."

Amendment proposed, in page 2, line 18, to leave out the words "including any sum not applied and distributed in terms of the preceding sub-section."—(*Mr. Barclay.*)

MR. J. P. B. ROBERTSON: I am willing to accept the Amendment.

MR. BUCHANAN: The acceptance of the Amendment means that these words mean nothing at all. This decision of the Government is, at any rate, a recognition on their part of the legitimacy of the arguments that have been brought forward on this side of the House and a confession of the ambiguity with which their proposals have been laid before us.

Question, "That the words proposed to be left out stand part of the Sub-section," put, and negatived.

(10.6.) MR. STOREY (Sunderland): I should like to ask what is the meaning of the words "until Parliament otherwise determines?" I suppose every Act we pass in this House is only operative until an Act has been passed to modify it or put an end to it. I gather that there is a purpose in the methods of the Government, because when we come to Clause 3 we find, not precisely the same form of words, but precisely the same idea. Clause 3 is subject to an Act to be hereafter passed on an entirely different subject. I submit that the words I have quoted in this clause mean nothing at all, inasmuch as, whatever Act of Parliament we pass this year, it must be subject to any future amending Act. In order to bring the Government back to the ancient conservative methods of drafting Bills in this House, I beg to move the omission of the words.

Amendment proposed, in page 2, line 19, to leave out the words "Until

Parliament otherwise determines."—(*Mr. Storey.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

*(10.8.) MR. GOSCHEN: I think the hon. Member could find precedents for this course which is recommended by right hon. Gentlemen on his own side. Last year we had a similar form in Section 22 of the Local Government Bill. The words give a flavour of uncertainty, and indicate that the tax is not to be assumed to be a permanent one.

MR. STOREY: There may be reasons for inserting these words in the Bill, but I never heard of putting words into a measure in order to give it a "flavour of uncertainty."

*(10.9.) MR. GOSCHEN: My meaning is, that it is not to be assumed that this is a permanent tax. I think that is a perfectly rational point to suggest, though I may not have expressed it extremely well.

(10.10.) MR. STOREY: I really do not think it desirable to introduce these suppositions for the future. With regard to what has fallen from the Chancellor of the Exchequer as to precedents, for my own part I have no side. I sit below the Gangway, and if right hon. Gentlemen above the Gangway have, in a moment of weakness, introduced such forms, it does not strengthen the argument in my opinion. I hope the right hon. Gentleman will assent to the omission of the words, and leave the sub-section complete in itself.

(10.11.) SIR W. HARCOURT: I do not quite understand why the words were introduced. Does the right hon. Gentleman mean that the tax out of which the whole of this money is to be produced is not to be a permanent one? He had better say that the whole of the Bill is to be held in a state of suspense. Does it mean that next Session the right hon. Gentleman may ask us to repeal the whole tax, and that then all the arrangements as to police superannuation and school fees will be knocked on the head because the tax upon which they rest will be gone? I think that the argument of the Chancellor of the Exchequer is most unsatisfactory, and I would suggest that the right hon. Gentleman should withdraw both his argument and the words.

*(10.12.) MR. GOSCHEN: I am not prepared to withdraw either my argument or the words. The right hon. Gentleman must see that these words apply specially to the amount set free by the dropping of the Licensing Clauses. I have from the first treated the application of the sum so set free as a more provisional arrangement than the rest.

(10.13.) SIR W. HARCOURT: It is not the money that is set free, but the money that is raised, and it is raised as a single tax. It is not as if the two things were distinguishable. It is a tax raised upon spirits and beer. Does the right hon. Gentleman mean that a portion of this tax is likely to be dropped in a future Session? I think that the second argument of the Chancellor of the Exchequer is even worse than the first, and I would suggest to the right hon. Gentleman that he should drop both.

(10.14.) MR. SYDNEY BUXTON: I think the Chancellor of the Exchequer's first speech had some force in it; but it seemed to me that he entirely contradicted himself in his second speech. I object so strongly to the way in which we are handing over to the Local Authorities larger sums than we ought, that I will support the Government in retaining these words, because the more flavour of uncertainty there is about the arrangement the better it will be. I think we ought to let the Local Authorities understand that Parliament is not going to hand over these very large sums to them simply in relief of rates, but that at some future time it may insist that they should apply a portion of them to purposes other than those introduced in the Bill. I hope the Amendment will not be passed.

(10.16.) MR. A. H. D. ACLAND (York, W.R., Rotherham): As I read the Amendment which the Chancellor of the Exchequer is to move subsequently, these words apply to the whole sum,

including the residue—that is to say, to £750,000. I think it is most important that we should know from the point of view of Wales and Ireland whether the right hon. Gentleman really means that the grant for intermediate education in those countries is to have a "flavour of uncertainty" about it.

(10.17.) MR. HUNTER: The Government have already successfully defied public opinion, and now they are determined to defy common sense. If the draftsman did not insert these words by accident he is a very remarkable draftsman. The inference to be drawn from the wording is that the sum for free education is to be applied whether Parliament otherwise determined or not, but the residue is to be differently dealt with and is only to be applied to the purposes mentioned in the Bill until Parliament otherwise determines.

(10.20.) The Committee divided:—Ayes 150; Noes 115.—(Div. List, No. 211.)

Other Amendments made.

Amendment proposed, in page 2, line 28, at the end thereof, to add the words—

"(b.) and subject, as aforesaid, among the county councils of counties and town councils of burghs, and police commissioners of police burghs, in Scotland, in proportion to the respective valuations of such counties and burghs and police burghs as such valuations shall be ascertained by the Secretary for Scotland at the date of such distribution, the share falling to such councils and commissioners respectively to be applied to the relief of local rates levied by them respectively, in such manner as they may determine."—(*Mr. Chancellor of the Exchequer.*)

Question proposed, "That those words be there added."

(10.35.) MR. SINCLAIR: The object of the Amendment of which I have given notice is to meet the case of certain districts in which the fees withdrawn are so large that the amount could not be met by the contributions from the Imperial Exchequer from the Probate Duty, supplemented by this new grant, and that the amount for the purpose might be added to from the residue. But as the case I intended to meet is covered by the Amendment of my hon. Friend the Member for Aberdeen (Mr. Bryce), I think I shall best consult the convenience of the Committee by not moving my Amendment, but bringing it in as bearing on the question raised by my hon. Friend in the Amendment which stands next on the Paper.

*(10.36.) MR. BRYCE: I desire to move an addition to the Amendment proposed by the right hon. Gentleman, and omitting the words after "applied to," and add at the end—

"Educational purposes in such manner as may be prescribed by a scheme for each such county and burgh framed by each such Council and approved by the Scotch Education Department."

I am not without hope that the Government will take a favourable view of this Amendment, for it must have struck the Committee that throughout the whole of these discussions there has been no demand for such a contribution to the rates as this sum of money will make. It is altogether a superfluous boon offered by the Chancellor of the Exchequer, and one never asked for by the Scotch people. I can appeal in proof of that to the words of the Lord Advocate when he said that in Scotland there had been no such demand for the relief of the rates as there had been in England. Taking Scotland as a whole, the difference between the two countries is very marked, for I think there never has been a Session when English Members have not been asking for contributions towards local burdens. Such demands have not been made in Scotland. I do not refer to the origin of this nest egg of £35,000 a year to taunt the Government about it. The suggestion to throw it into the rates came upon us quite unexpectedly when the proposals of the Chancellor of the Exchequer for the purchase of licences fell through. The Government may not like looking back upon the period when we were fighting over that scheme, and cannot do so with much pleasure; but my desire is to make a golden bridge for a retreating enemy, by suggesting to them a good way of spending this sum, the disposal of which seems to perplex them. The Government may yet earn the gratitude of the Scotch people if they will apply this £35,000 satisfactorily. We have heard the Government say that as regards England, although they purpose to devote the surplus to

the rates in the present year, their intention is, or they have given a strong intimation to the English people that in future years they will propose, to apply the English portion of the surplus to secondary or intermediate education in England. They have gone further in other parts of the United Kingdom. In Ireland they have devoted the whole of the amount which would otherwise have gone to the purchase of licences, to purposes of intermediate education, and with the full consent of the Irish Members. Something even better has been done in Wales. The Welsh people are going to get this money to supplement the amount they have under their Intermediate Education Act, and which has already begun to be applied in a manner which promises to be highly beneficial and likely to promote the best educational interests of Wales. What I desire to suggest to the Committee is that the example has been so well set in the case of Ireland and in the case of Wales, and hinted at in the case of England, should be applied in the case of Scotland. My proposals, I venture to say, will be generally consonant with the views of the Scotch Members. The Divisions upon this Bill have been significant. There has always been a majority of Scotch Members in favour of applying the money to educational purposes, and upon the main Division there was a crushing majority—42 to 14—of Scotch Members in favour of applying the money to free education. I believe I express the general opinion among Scotch Members in saying that if we cannot get the complete extinction of fees which we think to be by far the best course, we still would like an educational application of the money. I do not wish to detain the Committee by dilating upon the need in Scotland for some further provision for secondary or intermediate education, for that is a matter of common knowledge. There is no Scotch Member who does not feel that if we were free to have a Scotch Session to deal with our own needs one of our first Bills would be a measure for the purpose of improving intermediate education in Scotland. The old Grammar and Burgh Schools of the country are not sufficiently numerous nor sufficiently well equipped; in many of the newer towns no such schools exist; the provision of endowments is scanty, except in one or two places, such as Edinburgh, and there are large rural areas in which secondary schools either are lacking or are so placed that they cannot serve the needs of the country. That is particularly so in the Northern and Highland counties. Nobody can deny that money would be usefully employed in promoting secondary or intermediate education, and the expenditure of a comparatively small sum as a nucleus with this object would be of immense advantage to the nation at large. So, too, as regards technical education. Very few of the city or burgh schools have yet made proper provision for technical education under the Act we passed in 1887. That Act has not been largely availed of, but nothing would do more to stimulate its operation than to put a sum at the disposal of Local Authorities, to be made the nucleus for the promotion of technical education. The gift of even a small sum to make a beginning has the most useful results in stimulating local liberality. There are many other methods and plans by which the money at the disposal of the Local Authorities might be well applied. There is the promotion of evening schools, a subject with which some Members are more competent to deal with than I am, and to which one of my hon. Friends proposes to call attention. There is also the maintenance of what are called continuation schools. It is not so much a large sum that is needed as money well directed which would stimulate local benevolence. To such an end the value of this £35,000 is great, and out of all proportion to its actual amount. It may be made the beginning of educational work in this direction, a beginning for which we may have to wait a long time if we do not take the first step with this money we have at hand. It may be objected to the Amendment that further legislation is required to give effect to it. A short and simple Act would be all that is needed, and this might be passed early in next Session; meanwhile, the one substantial thing we desire to secure is that, instead of this money going to the relief

of the rates, it shall be devoted to some educational purposes. The relief to the rates would be absolutely infinitesimal. This sum of £35,000 is, I believe, not more than one-seven-hundredth of the whole rating of Scotland; and if hon. Members will only consider the proportion that will fall in their own district to the relief of ratepayers in counties and burghs, they will appreciate that it will have no sensible effect. The Government will earn no substantial gratitude by giving relief in the form they propose. I may perhaps be met on the part of the Government with the objection that the Local Government Act for Scotland makes no direct provision for enabling County Councils to act in educational matters. The answer to that is twofold. In the first place, it must be remembered when we come to complete the system of intermediate education for Scotland we shall be forced to use County Councils, School Boards not having a sufficiently wide jurisdiction; and why not entrust Councils which are certainly not overburdened at present with some educational functions, following an example which has had such happy results in Wales? Another answer is to refer to the 15th section of the Scotch Local Government Act of last year, which provides that it shall be lawful for the Secretary for Scotland to make from time to time Provisional Orders for the transfer to a County Council of certain powers, duties, and liabilities, now exercised by the Privy Council or the Scotch Education Department in regard to matters of an administrative character. I think the Committee will observe under that provision, which seems to point to some action of the kind proposed in this Amendment, it would not be difficult for the Government, if they took up this proposal with sympathy, to make Provisional Orders under which the powers of County Councils might be considerably extended and various educational functions conferred on them, enabling them to deal with the matter. I do not believe there would be any jealousy on the part of School Boards at seeing the purposes of secondary education so advanced. With regard to police burghs as well as other burghs, it might be that the School Boards would be more appropriate bodies than the Commissioners or Councils, and it would be easy to modify this Amendment, so as to enable them to deal with the expenditure of the money. I may add that the suggestion in my Amendment is that any scheme of the kind should have the concurrence of the Scotch Education Department, and this will be a guarantee against any imprudent experiments which authorities in counties or burghs may be thought likely to be tempted to make. I do not wish, having stated the principle of my Amendment, to occupy more time in urging it. I trust that the Government will give it fair consideration; that they will have some regard to the wishes of a large majority of Scotch Members; and that whether or not I have suggested the best machinery for carrying out the purpose, that they will not allow this residue to be lost, like a snowflake in a river, in the reduction of rates, but will reserve it for a purpose for which it is greatly needed and where it can be used with the happiest results.

Amendment proposed to the proposed Amendment,

To leave out from the words "applied to,'" to the end of the proposed Amendment, in order to add the words "educational purposes, in such manner as may be prescribed by a scheme for each such county and burgh, framed by each such council, and approved by the Scotch Education Department,"—(*Mr. Bryce,*)

—instead thereof.

Question proposed, "That the words 'to the relief of local rates levied by them respectively,' stand part of the proposed Amendment."

*(10.50.) MR. GOSCHEN: Certainly I cannot complain of the tone or substance of the speech of my hon. Friend, who has stated in a very temperate manner some of the purposes to which, in his belief, the money might be legitimately applied. I can assure him that the suggestions he has made are but a reflex of the consideration the Government have given to this subject. The Government have already considered whether it would be proper to dedicate this sum to the purposes to which the hon. Member has referred. The hon. Member has alluded to the attitude the Government have taken

up with respect to intermediate education in Ireland, Wales, and England. In Ireland we proposed to devote a considerable sum to intermediate education, and in Wales also. In England, although we have no proposals at present, we do contemplate the possibility of some liabilities with respect to education being put upon County Councils in the future. With regard to Ireland and Wales we have the machinery ready by which the sum placed at the disposal of the constituted authorities for intermediate education may at once be utilised. But in England and Scotland we have no such machinery ready, and we do not see our way to constitute machinery at once for the purpose. Now, I am perfectly ready to give my hon. Friend, and others who hold the same doctrine that he does, this assurance: that I think it is a matter perfectly open to legitimate discussion whether County Councils should not in the future be trusted with some of the powers which my hon. Friend has indicated; and in the same way as we hope to consider the case with respect to England, so we hope to consider and promote it in the case of Scotland. I do not for a moment preclude the idea of such a change, though perhaps not quite so complete as my hon. Friend has suggested. Hon. Members acquainted with the situation of the Local Authorities in Scotland will admit that at the present moment the County Councils and the Town Councils do not stand in any relation whatever to the educational arrangements of that country. They would have entirely to learn their business; they have no relation whatever to primary education. It would, I think, be most undesirable to bring about a collision or a contact between such bodies as the Town Council of Glasgow, and the School Board of Glasgow in order to determine any of these eduational problems. We may lay it down as a principle that the County Councils are not in a position at present to interfere in any way with elementary education in Scotland, and in that I think I shall have the adhesion of a good many Members from Scotland. But my hon. Friend, I know, is thinking more of intermediate education. Well, the County Councils are a new body; they have yet to win their spurs, and I doubt whether, in the remaining part of this financial year, they would be able satisfactorily to work out the schemes suggested by my hon. Friend. They would have to work out those schemes under pressure, and that would be an undesirable position in which to place any body having money at their disposal, and having to find a means for its application in the current year. It is undesirable to hurry County Councils into any outlay on schemes with regard to those great questions of educational organisation which require so much care. My hon. Friend thinks the sum is so small that it will have no appreciable effect upon the rates, but really I think the ratepayers might put the sum to very good account by paying off some of the debt and relieving themselves in other directions. If it is small as applied to the relief of the rates, so also it is small as applied to a great educational experiment. I would press that point that it would be undesirable to hurry the County Councils into outlay on questions of educational organisation where the utmost care is required to avoid making great mistakes. I wish to reserve to the Government the freedom and the privilege of being able to deal with intermediate education in Scotland on some future occasion. As hon. Members know, the time will come when further money will be available for education in Scotland; and as so much has been done in the direction of primary, elementary education, there will be all the more means at our disposal to enter upon a substantial, reasonable, well-considered scheme for promoting intermediate education which is near to the hearts of Members on both sides of the House. A certain sum of money has been set free by the operation of the Educational Endowments Commission, and that sum has been employed in the promotion of intermediate education. I understand that some urgent cases have been dealt with, and we may look forward to the time when we may all concentrate our minds upon working out some satisfactory system of intermediate and technical education for Scotland. On behalf of the Government, I am unable to accept the Amendment.

*(11.0.) MR. ESSLEMONT (Aberdeen, E.): I certainly have nothing to

complain of in the tone with which the Chancellor of the Exchequer has met the arguments of my hon. Friend. But the argument of the Chancellor of the Exchequer is altogether too apologetic. Why is it that County Councils have such limited powers? It is because the Government would grant them no more powers. It was the desire of almost every Member representing Scotland that County Councils should have more ample powers than they at present possess. The right hon. Gentleman argues as if the Educational Endowments Commissioners had placed at the disposal of Local Authorities an amount of money more than sufficient for the requirements of secondary and technical education in Scotland or would have the means hereafter, but that certainly is not the case. I have had occasion already to commend the liberality of the Commissioners in appropriating as much as they possibly can of these endowments to the promotion of secondary and technical education; but we have had constantly before us the idea in Scotland that the Educational Endowments Commissioners are not at liberty to dispose of money which was originally bequeathed by pious donors in favour of education to purposes of higher education, and this has, to a certain extent, overborne the desire of the Commissioners. The Chancellor of the Exchequer is entirely wrong in assuming that the appropriation of money in relief of the payment of school fees in Scotland in 1889 has done anything whatever for the promotion of education. It has, however, undoubtedly given a fair and just relief in those parts where the pressure of fees was severely felt. We hope that this small sum of money may be added for the purpose of stimulating secondary and higher education. What I have endeavoured to impress on the Government is this, that with the comparatively small sum now offered they will be able to give a great stimulus to higher education. The money may, as you propose, be applied to the relief of the rates, but, as a fact, in Scotland there is no demand that it shall be applied in that direction, while there is a universal demand—and the Lord Advocate will not deny it—that the County Councils and Local Authorities shall have control over the expenditure of this grant. If they are given such powers as we ask, no doubt they will be stimulated to promote evening schools and secondary education beyond the Fifth Standard. Why should the Government tie the hands of the County Councils and the Town Councils when there is no doubt they will exercise their powers in the promotion of better education in Scotland? The Government seem determined to discourage the application of this money to higher or secondary education. The Lord Advocate cannot be ignorant of the fact that in Aberdeen a great stimulus has been given to such education by a few thousands from the Gordon College. We only ask for a little freedom of action, and for a power to exercise a little discretion, so that we may apply this money to the best possible advantage. I cannot see why the right hon. Gentleman the Chancellor of the Exchequer and the Lord Advocate should use their great abilities in finding excuses why the people of Scotland should not aspire to higher education. I hope that they will agree to our reasonable proposal, and give the Local Authorities power to promote technical and higher education by means of money which really belongs to the Scotch people.

(11.12.) MR. BUCHANAN: The Chancellor of the Exchequer has only dealt with one part of the Amendment. He referred only to the County Councils, and not to the Town Councils. I understand it is not the intention of the Amendment to give this money to Town and County Councils to spend as they choose, but it is intended to give a direction that it shall be spent in promoting education. The Town Councils of Scotland are specially qualified to discharge such a trust, and to select suitable objects to which the money shall be devoted. I think the Government would do well to assent to the proposition to give directions to the Town and County Councils to apply this residue for educational purposes. The great difficulty in a large city like Edinburgh will be for the Town Council to know what to do with this money. The rates in Edinburgh amount to about £150,000 a year, and what gain will it be to the Town Council to get this small sum of £4,000 or £5,000? Without any direction as

to the expenditure of it, it will probably give more dissatisfaction than otherwise. On the other hand, there are many excellent educational institutions in Edinburgh, and the expenditure of this money might be attended with the most valuable consequences to the community, if conducted as we suggest, whereas if it goes only in the relief of the local rates the benefit to the ratepayers will be infinitesimal.

(11.20.) MR. A. ELLIOT (Roxburgh): I hope that this Amendment will be looked at in a practical light, for it really involves the introduction of a new scheme of education, to be carried out by Local Bodies not specially identified with the subject and having no special machinery for dealing with it. It is easy to point out how large centres like Edinburgh may benefit by this grant, but it is rather the duty of the Chancellor of the Exchequer to look to the best general use of the money in both town and country. I do not think the rural constituencies would gain much benefit if this money were devoted to educational purposes, and handed over to technical colleges. After all, the money in question is taken from Imperial sources, and Parliament hardly has the right to devote it to the cause of some special interest in special localities. The ratepayer is ubiquitous, and I think that the Chancellor of the Exchequer has endeavoured to benefit the community in general in the application of the fund. I think the ratepayers are entitled to this relief. I hope that this discussion will not be prolonged. If the same kind of verbal criticism were applied to all legislation as has been applied to the clause before the Committee, no measure would ever pass through the House of Commons. I believe the Chancellor of the Exchequer to be right in this case. I believe he has tried to benefit the community in general. We must all recognise that great things have been done for education in Scotland by the present Government. The Chancellor of the Exchequer in the present proposal has considered the interests of the general community, and he deserves, and will receive, the support of a large section of the people of Scotland for his proposals with regard to the appplication of this £40,000.

(11.25.) MR. STOREY: I note with satisfaction the statement of my hon. Friend in favour of giving this money not to any section of the people, but to the community as a whole. When we remember the attitude he took up recently at the time it was proposed to devote this very money to a much worse section of the public, and to a much worse question than education——

MR. A. ELLIOT: I voted that it should be used for the extinction of licences.

MR. STOREY: When we remember his former attitude we are grateful to him now for his change of opinion. It may be a matter for surprise that an English Member should interfere in a Debate peculiarly Scotch. No doubt we have no direct interest in this matter, but we have an indirect interest, for we are jealous about the making of precedents which are calculated to give us some trouble when we come to amend the English law. Of course, we sympathise with the right hon. Gentleman the Member for South Aberdeen in the object he has in view. We shall, as Englishmen, be glad to see the Scotch people get more education, for they need it nearly as much as the English people, but the Amendment contains a vicious principle, in that it proposes to give the control of this money to Burgh Commissioners and County Councils, and it altogether ignores the claim of the existing School Boards to deal with it——

*MR. BRYCE: I should prefer to give it to School Boards rather than Town Councils or Burgh Commissioners in burghs where School Boards exist.

MR. STOREY: I was not afraid of what the hon. Member was willing to do, for I knew he would take a common sense view of the matter. But it appeared to me that the Chancellor of the Exchequer was delighted that a proposal should emanate from the Front Opposition Bench in favour of placing educational matters in the hands of the Burgh Commissioners and County Councils in Scotland. He knows that in England attempts were made, time after time, to adopt a similar course, and to introduce bodies other than the School Boards into educational matters. Unfortunately, they were to a

certain extent successful, especially in science and art instruction and technical education. Hon. Gentlemen opposite always seem to look with suspicion and doubt on the action of the School Boards, and have more than once attempted to lessen their usefulness and exalt other authorities. We English Radicals, at least, believe in the principle "as for Scotland, so for England." I should accordingly like to see the Amendment modified; but in any case I shall vote for it, for I am prepared to divide against anything introduced by the present Government, but I shall guard myself from admitting it as a precedent for England.

*(11.30.) MR. PROVAND: I wish to put in a plea for another educational purpose to which this money could be applied in Scotland—namely, for the formation of evening continuation schools. A great deal has been said about the money being given to the ratepayers, but the ratepayer has no claim to it, especially as it was originally intended for quite another object than his relief. Probably no branch of education has been more discussed within the last few years than evening continuation schools, and certainly no branch of education has been more generally approved. It has been felt and stated by educationalists of all Parties that the present method of education is defective through the absence of such schools, because under the present system the great mass of children, leaving school, as they do, at a comparatively early age, soon forget much of what they have been taught. This involves a great waste of money, and is a disadvantage to the State as well as to the individual. The majority of the recent Royal Commission on Education strongly recommended in their Report the formation of evening continuation schools, and used these words in their Report—

"That the necessity of having some form of evening school for the purpose of fixing and making permanent the day school instruction is almost self-evident; and that it would be worth the while of the State to spend more money on such schools."

There has been no such profitable investment ever made by the State as that which has been devoted to expenditure in educating the young. The Report of the Committee of the Council on Education in Scotland was presented to the House to-day, and, in glancing through it, I notice that this matter has received their attention. They say:—

"We regret to find that the education of many children appears to be discontinued as soon as the standard of exemption is reached."

This is true of Scotland, although the children go later to school and stay a little longer, than they do in England. In another part of their Report, the Committee dealing with the question of continuation schools, say:—

"We are as strongly convinced as formerly of the importance of such schools, both in developing and rendering permanent the work begun in the day schools."

In previous Reports the Committee spoke in favour of evening schools, and there has been some increase of their number in Scotland. The average at which children leave school in Scotland is rather high, and yet there is only one child out of 8 in school in that country over 13 years of age. There is room for a large number of evening schools, to enable children to continue their instruction at night. Now, what will it cost to provide continuation schools? We expend in Scotland, from all sources, nearly £1,400,000 every year on inspected schools. A large percentage of that amount must be wasted. A very small sum, say 3, 4, or 5 per cent. of that amount, would be sufficient to provide a system of continuation schools throughout the country. The saving from the adoption of such a system will be considerable. Mr. Paton, of Nottingham, who probably has had more experience in this country on the subject than anybody, points out that—

"First we build up at an immense expense a colossal system of primary education, and then see and allow the results of it to be very largely wasted and lost. Teachers speak dismally of the havoc to the fruit of their labours in the first two years after school is left. We cease to educate at the most important, the most receptive, the most plastic period of life."

The money that will be at the disposal of the Local Authorities in Scotland for this purpose will be something like £35,000. It is a very small sum, compared with the amount we expend on education generally, but it will be some-

thing towards the total needed. I have great pleasure in supporting the Amendment of the hon. Member for North Aberdeen.

*(11.41.) MR. CAMPBELL-BANNERMAN: I have great sympathy with what has been said by my hon. Friend the Mover of the Amendment, by my hon. Friend (Mr. Provand), who has just sat down, and others. They have urged the claims of certain educational purposes to a share of this money, but I am bound to say I see considerable difficulty in at once proceeding to take the step which is recommended by my hon. Friend (Mr. Bryce). In Scotland we have great needs in regard to intermediate education, but there is no machinery ready at hand by which the money thus applied could be immediately administered with success. I do not share the fear expressed by the hon. Member for Sunderland (Mr. Storey) as to the County Councils. I do not think that the feeling which may exist in England extends in any degree to Scotland, and that fact is owing to the circumstance that, as we in Scotland have fortunately a universal system of School Board schools, we have not that jealousy with regard to School Board schools which exists in England. I have no doubt that if educational matters were handed over to the County Councils in England, it would be regarded as a triumph over the School Board by those who may be said to belong to the reactionary party in education, who have always opposed the School Board system. In Scotland the same condition of things does not exist, and I have looked forward to the time when the machinery of County Boards and District Boards, which I hope will be soon set up, will be entrusted with the education of the country. But I do not think the time for that change has yet come. The County Councils were only established last year, and we must allow them to become really accustomed to their duties before we impose new duties of this kind upon them. On these grounds I have great scruples about supporting the Amendment of my hon. Friend, although I entirely agree with him in the main purpose of the Amendment. I agree with him in this, that if we cannot have the money applied to the relief of fees in primary schools, as we desire, I do not know of any object more tempting and alluring to me than that which he proposes. Perhaps the object least tempting and alluring is that selected by the Chancellor of the Exchequer, namely, what I have already called the naked and brutal relief of rates. I do not think much can be said—at least, I have never heard anything very satisfactory said—in justification of that proposal; but, although I do not approve of the Government proposal, and although I find we are thwarted in our desire to obtain what we prefer, I hope my hon. Friend will not press the Amendment he has moved. If he does, although I shall certainly not vote against him, I do not think I can see my way clear to support him.

(11.45.) MR. SINCLAIR: The proposal of my hon. Friend allows this residue to be applied also in freeing school fees where it is necessary to do so—and there are some cases in Scotland where it will be necessary to apply a further sum of money than that obtained from Imperial sources to this purpose. There are districts in Scotland—I represent one of them myself—where the amount derived from the Probate Grant, and from this special source, will not be sufficient to remit the fees within the compulsory area alone. There will be a further sum to be obtained from fees or elsewhere, unless the character of the education is to be reduced. I hope, therefore, the Government will allow this money to be devoted to purposes of education, in case of need, as proposed by the Amendment. There are no districts where the desire to have continuation schools, for the benefit of those who have been compelled to leave school at an early age, is stronger than it is in those which will suffer as I have mentioned. I hope, therefore, the Government will see their way to accepting the Amendment of my hon. Friend.

(11.47.) The Committee divided:—Ayes 187; Noes 139.—(Div. List, No. 212.)

Original Question again proposed, "That those words be there added."

It being Midnight, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again to-morrow.

LONDON COUNTY COUNCIL (MONEY) BILL.—(No. 388.)

SECOND READING. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Question [22nd July], "That the Bill be now read a second time."

Question again proposed.

Debate resumed.

*(12.0.) SIR J. LUBBOCK (London University): The hon. Member for Peckham (Mr. Baumann) appears to have opposed the Second Reading of this Bill under a misapprehension. He seems to have supposed that it gives the County Council the power of spending a very large sum of money. That is quite a mistake; it gives no power of the kind. The Bill may be divided into two parts. So far as the expenditure of the County Council is concerned, the Bill gives no power of additional expenditure. The effect is to authorise them to raise money by loan spread over a certain number of years. They have already the necessary powers to spend the money, but if the Bill does not pass they will have to do so out of the rate of the year. As regards the second portion of the Bill, it enables the Council to make loans to local Metropolitan Bodies. It does not in any way increase their power of expenditure. The reason for the course adopted is that if each Local Authority raised its own loans it would have to pay a higher rate of interest. But they are allowed to borrow of the London County Council, and the London County Council, raising a large loan, is able to lend the money on better terms. The only effect, therefore, of throwing out this part of the Bill would be that the Local Authorities would have to pay a somewhat higher rate of interest, and, consequently, the rates would be raised. The hon. Member seems to be under the impression that the London County Council has raised the rates. But what are the facts? The last precept of the Metropolitan Board was at the rate of 10·1d. per annum. To this must be added the payment to the Guardians at the rate of 4d. per day per head for indoor paupers. That is in addition to the Metropolitan Rate, and a corresponding relief of the local Poor Rate, and amounts to 1·88d. Again, there must be added the cost of services formerly provided for by County Justices in the old County Rate, amounting to 1·72d. These items make up 13·7d., and the present rate is 12·53d. Of course, to complete the comparison the Government contribution and the loss of the Coal Dues would have to be allowed for, and the net result will be that there is an increase of the hundredth part of a penny, which is mainly due to increased expenditure on parks. The hon. Member also said that the debt of London was increasing at the rate of £1,000,000 a year. This, also, is entirely an error. The net debt is now £17,800,000. Five years ago it was £16,900,000. To that must be added £670,000, which was taken over from Surrey and Middlesex when parts of these counties were included in London, and which, therefore, is no new debt. These, then, makes £17,600,000, and as the debt is now £17,800,000 the increase has been £200,000 in five years. So far, therefore, from being an increase of £1,000,000 a year, the increase has really been under £50,000 a year. I hope, therefore, that the House will agree to the Second Reading of the Bill.

(12.6.) MR. BAUMANN (Peckham): I rise, Sir——

*MR. SYDNEY BUXTON (Tower Hamlets, Poplar): I rise to order. The hon. Member has already spoken.

*MR. SPEAKER: The position of the hon. Member in this matter is somewhat peculiar. On the previous occasion he rose only to move the adjournment of the Debate. That Motion was eventually carried, although the hon. Member himself did not move it, and I think it

would be rather hard if the House does not hear the hon. Gentleman now.

MR. BAUMANN: The right hon. Gentleman opposite has unintentionally misrepresented me. I did not say, as the hon. Baronet seems to think I did, that I objected to the Second Reading of the Bill. I merely objected to its being taken at a late hour of the evening, without notice. The right hon. Baronet has said that this Bill only asks for money for schemes which have already received the sanction of Parliament. That is entirely a misleading statement, because none of the schemes of the London County Council have yet received the sanction of Parliament, although some of them have already passed this House. Again, with regard to borrowing powers, they are not merely the renewal, but the augmentation and increase of previous borrowing powers, and, therefore, hon. Members are free to criticise the proposals before they sanction them. In the third place, the Bill asks for money to carry out the general powers conferred by certain Acts of Parliament in respect to which no specific schemes have been presented to Parliament at all. With regard to the local indebtedness of London, I must say, after the statement of the right hon. Baronet, that I consider that great and growing indebtedness is a serious fact, not only for the London ratepayers, but for the country and the Government. The total debt on December 31, 1889, stood in round numbers at £29,000,000, and when I tell the House that the total assessment of the Metropolis is only £31,000,000, I think they will allow that that is a very serious figure. The right hon. Gentleman has said that the net debt is only £17,000,000, because the Local Bodies owe £9,000,000, but if that were added to the assets of the London County Council the indebtedness would not be reduced to £17,000,000. Under this Bill large sums will be lent to Local Bodies. The right hon. Baronet states that the London County Council act as bankers to the Local Bodies. That is true, but the only way the House can control these large borrowing powers is by criticising them when these Bills are brought forward. Nobody would object to lend £500,000 to the School Board if they knew that the money was to be expended on education, but, considering the large sums which have gone into the pockets of speculating contractors, builders, and lawyers, to run up all kinds of rotten buildings, hon. Members are entitled to ask for what purpose the School Board want this £500,000. I am opposed to the London County Council, not on account of its politics, which are a matter of perfect indifference to me, but because the members of the Council are such thoroughly bad men of business, and because they throw away the money of the ratepayers on preposterous Bills like the Overhead Wires Bill and the Betterment Bill. After the latter Bill had passed through the Select Committee, with the exception of the betterment clauses, it was abandoned by the County Council, simply because that body could not bend and tutor the House of Commons to its own will. The Council ostentatiously announced that it would not widen the Strand nor commence any other metropolitan improvement until it could get the House of Commons to swallow its preposterous Yankee notion of betterment. This is the body which we are asked to give a blank cheque to, and to respect as a body of business men. I refuse to do anything of the kind, and as long as I represent a London constituency I claim the right to fully criticise the financial and administrative policy of the London County Council, which has not yet commenced a single metropolitan improvement, which has given Parliament a great deal of trouble in checking its vagaries, and which has only succeeded in increasing the rates of the already over-burdened ratepayers of London.

(12.16.) MR. H. H. FOWLER (Wolverhampton, E.): I was under the impression that hon. Members opposite were anxious to bring this Session speedily to a close. We have already devoted a considerable amount of time

to the consideration of Imperial matters, but there is still a large amount of Imperial business to be got through, including a considerable number of Votes on Supply. If the House of Commons chooses to add to the enormous duties it still has to perform, the management of London, and the control of its Local Government, including the School Board of London, and the financial arrangements of all the Metropolitan Vestries, we shall find Ireland a mere bagatelle compared with what we shall have undertaken. We have been endeavouring for many years past to develop Home Rule in London, and I am quite sure that the right hon. Gentleman the President of the Local Government Board found that the carrying of his Local Government Bill for London was not the least difficult part of the work he has had to do in bringing important measures before this House. If the right hon. Gentleman believes he was right in constituting the County Council, he must also think it right to leave to the Local Authority the management of its own affairs, the appeal against any misdoing, incapacity, or want of temper, on the part of the London County Council or the School Board being to the constituencies of the Metropolis. I agree with the hon. Member opposite that the ratepayers have a right to be dissatisfied with the action of the County Council in abandoning their scheme for the Strand Improvement, which, undoubtedly, is greatly needed. But I decline to admit that the House of Commons should be made a Court of Appeal from the County Council. I am quite sure that the County Councils of the large provincial cities, such as Birmingham, Manchester, Leeds, and Glasgow, would object, and very properly object, to the interference of the House of Commons with their affairs. The House has entrusted them with certain powers, and it is to their constituents alone that they are responsible for the exercise of those powers. I greatly regret that the President of the Local Government Board has not been able this year to introduce a measure in fulfilment of the promise made last year to obviate the necessity for these annual Money Bills. When any other municipality requires special Parliamentary powers the matter is submitted to the consideration of a Committee upstairs, every Member of which has to make a declaration that he has no personal interest in the objects intended to be promoted by the Bill. If such a Committee considers that the powers asked for should be granted, the House delegates to the Local Authority the power and discretion of carrying out the provisions of the Bill. But in this case the measure before us is practically a Government Money Bill, which comes to us with the stamp of the Treasury upon it. It will simply enable the London County Council to borrow money and expend it on purposes which have already received the sanction of the House. Why, then, should the House of Commons waste five minutes of its time in discussing such a question? The Treasury is satisfied, but if the Metropolitan Members, who are not Members of the London County Council, are to come here to oppose the action of the London County Council, we may be sitting here till Christmas. Reference has already been made to the scheme by which the London County Council is to be made the banker of the other Local Bodies, so that if the School Board or any other authority requires to borrow money, it may be able to obtain it at a lower interest than if it went into the money market. This, I think, is an admirable financial arrangement, because money can be borrowed by the London County Council far more economically than by the smaller Local Bodies. Reference has also been made to the debt of the London County Council; but that, after all, is a matter of very small moment, because the debt is not more than one-half the annual value of the Metropolis. I challenge the hon. Member opposite to instance any large municipality in the Kingdom which has so small a debt, compared with its annual value, as this Metropolis.

MR. BAUMANN: It is £29,000,000.

MR. H. H. FOWLER: I am comparing the debt of London with that of other large towns, and putting it at £25,000,000, I say that that is far short of one year's rateable value, but that, after all, is only a side issue. The real question we have to decide at this

late hour, and at this late period of the Session, is whether we shall pass this measure authorising the London County Council to borrow money for purposes that have already been sanctioned by this House, or whether we are to undertake a wide, discursive, and endless discussion into all sorts of questions as to the wisdom or folly of the acts of the London County Council and the London School Board. This I think a very unwise thing, and I appeal to the Government to endeavour to bring this discussion to a close, so that this purely formal and technical Bill may be allowed to pass.

(12.29.) MR. R. G. WEBSTER (St. Pancras, E.): I think the House has hardly fully comprehended the great increase that has taken place in the rating of London. I find that at the present time the rating to be charged for the year ending the 31st of March, 1891, is no less than 13·25d., as compared with 1·86d. in 1857. No doubt fresh duties have been put upon the London County Council, but I must point out that whereas in 1888 the rating was 8·39d., it has increased in the present year to 13·25d. I would point out to Her Majesty's Government that it is desirable that the whole question of rating in the Metropolis, and the incidence of local taxation, should be referred to a strong Parliamentary Committee or Commission. We should definitely arrange whether the County Council shall be allowed to charge the ratepayers beyond a certain sum, and whether the School Board of London should not be obliged to limit their demands for money. In every clause of this Money Bill additional funds are sought, and, amongst other things, money is asked for the erection of a new Council Chamber. I think it is the duty of a London Member to protest against this Bill, and to submit that, before these powers are given, we should have a strong Parliamentary Committee of Inquiry.

(12.35.) MR. J. ROWLANDS (Finsbury, East): I only rise with one object, namely, to appeal to the President of the Local Government Board to introduce the Bill he has promised at an early period next Session, so that the London County Council will no longer be under the necessity of bringing these Money Bills before the House of Commons. It we were to take up the whole of the points referred to by the hon. Member for Peckham, and go into such questions as that of the money required by the Vestry of St. Pancras, we should find ourselves involved in a very lengthy discussion.

*(12.37.) THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's) I am not sure whether I can speak again.

*MR. SPEAKER: The right hon. Gentleman only spoke on the question of adjournment, therefore, he is entitled to take part in the Debate on the Main Question.

*MR. RITCHIE: I can assure the hon. Member opposite that no one regrets more than I do the fact that I have been unable to introduce the Bill during the present Session. It has been prepared and considered. It has been the subject of much negotiation between the Local Government Board and the Treasury, and it is now in a complete state. Until within the last few weeks I had hoped to introduce it during the present Session. It certainly is the intention of the Government to introduce it early next Session. London finance is by no means in a satisfactory condition. A Bill comes before the House of Commons, and passes every year, and passes as a matter of course. We necessarily pass it as a matter of course, because it is impossible for us to set ourselves up as a Court of Inquiry into every financial proposal made by the London County Council. I am one of those who do not raise the smallest objection to the course the hon. Member for Peckham has taken to-night. I think he and others are justified in criticising the proposal so long as the

present procedure is maintained. At the same time it is impossible that the finances of the London County Council can be adequately inquired into and examined by the House of Commons, and I hope that, in view of the assurance I have given that the Government propose to introduce a Bill which, in their opinion, will put the finances of the London County Council on a much more satisfactory footing, and relieve the House from the responsibility which now attaches to it in the matter, the Debate may now close.

*(12.40.) MR. DIXON-HARTLAND (Middlesex, Uxbridge): I do not wish to oppose the Second Reading, but I wish to point out that I have had a notice on the Paper all the Session, asking for a Royal Commission to inquire into the action of the London School Board, with regard to their jerry buildings. It is my intention, when the Vote for the London School Board comes on in Committee, to bring forward the whole of the question of the London School Board, and submit it to the House.

*(12.41.) MR. T. H. BOLTON (St. Pancras, N.): As St. Pancras has been referred to by the hon. Member for Peckham, I would explain that the money for that parish is required for a very necessary purpose, that is to say, to enable some loans, which are bearing at the present time an unnecessarily high interest, to be paid off. I would suggest to the London County Council that they should seriously re-consider the proposal to spend a large sum of money on the building of a new Council Chamber and new offices. In a very short time, I trust, the London County Council and the Corporation of the City of London will be united. We shall then have one great Municipality for the whole of London, and the officers of the County Council will, necessarily, go to the Guildhall.

Question put, and agreed to.

Bill read a second time, and committed for Thursday.

Mr. Ritchie

METALLIFEROUS MINES (DEVON AND CORNWALL).

Address for—

"Return showing the names of the various Metalliferous Mines within the stannaries of Devon and Cornwall now working, and the number of men working underground in each case; which of them have machinery other than ladders for raising and lowering the men; which of them employ boring machinery with compressed air; and how many of such boring machines are in use in each mine."—(*Mr. Conybeare.*)

MOTION.

PARLIAMENTARY REGISTRATION EXPENSES (IRELAND) BILL.

On Motion of Mr. Arthur Balfour, Bill to make better provision for the payment of Clerks of Unions and Collectors of Poor Rates for services in carrying into effect the Acts relating to the Registration of Parliamentary Voters in Ireland, ordered to be brought in by Mr. Arthur Balfour and Mr. Attorney General for Ireland.

Bill presented, and read first time. [Bill 401.]

TENANTS' COMPENSATION BILL.

(No. 259.)

Bill, as amended, considered.

Bill read the third time, and passed.

SHERIFF (ASSIZES EXPENSES) BILL [LORDS].

Bill read the first time; to be read a second time upon Thursday, and to be printed. [Bill 402.]

HIGH COURT OF JUSTICE (ACTIONS REMITTED TO COUNTY COURTS.)

Order [14th July] for an Address for Return relative thereto read, and discharged.

House adjourned at ten minutes before One o'clock.

HOUSE OF COMMONS,

Wednesday, 30th July, 1890.

NEW WRIT.

For Carmarthen County (Eastern Division), *v.* David Pugh, esquire, deceased.

QUESTIONS.

PUBLIC BUSINESS.

MR. PHILIPPS (Lanark, Mid): I beg to ask the First Lord of the Treasury whether he can now fix a time for taking the Scotch Estimates, and whether, seeing that the Votes in Class III. were taken at the very end of last Session, the Government will now put them down for consideration; and whether it is the intention of the Government to have a Saturday Sitting for that purpose?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): I can give no other answer than that which I have already given, that the Scotch Estimates cannot be taken until the other business for which we have arranged has been disposed of.

SIR G. CAMPBELL (Kirkcaldy, &c.): When will the Foreign Office Vote be taken?

*MR. W. H. SMITH: The Foreign Office Vote will be taken after the Post Office Estimates, and after that probably the Scotch Votes.

MR. SEXTON (Belfast, W.): Is it proposed that the House shall sit next Saturday?

*MR. W. H. SMITH: That question has not yet been finally determined. I desire to consult the convenience of the Members and Officers of the House as much as possible in the matter; and if it is necessary to ask the House to meet on Saturday, I am sure that hon. Members will be glad to make the sacrifice.

MR. SEXTON: Will the Government be able to give a more direct reply to the question on Thursday?

*MR. W. H. SMITH: I hope so.

MR BRADLAUGH (Northampton): Will the Indian Councils Bill be taken to-morrow.

*MR. W. H. SMITH: No, Sir.

ORDERS OF THE DAY.

LOCAL TAXATION (CUSTOMS AND EXCISE) DUTIES BILL.—(No. 244.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 2.

Amendment again proposed, in page 2, line 28, at the end thereof, to add the words—

"(b.) and subject, as aforesaid, among the County Councils of counties and Town Councils of burghs, and police commissioners of police burghs in Scotland, in proportion to the respective valuations of such counties and burghs and police burghs as such valuations shall be ascertained by the Secretary for Scotland at the date of such distribution, the share falling to such councils and commissioners respectively to be applied to the relief of local rates levied by them respectively, in such manner as they may determine."—(*Mr. Chancellor of the Exchequer.*)

Question again proposed, "That those words be there added."

(12.25.) MR. HUNTER (Aberdeen, N.): In the absence of my hon. Friend the Member for Caithness (Dr. Clark), I beg to move the Amendment which stands on the Paper in his name. The object of the Amendment is to prevent the abuse, which is possible under the Bill as it stands, of employing the money assessed to counties for the relief of landlords. The money will come out of the pockets of the working classes, and it would be a shameful abuse to allot it to the landlords. I doubt whether the County Councils would dare to do so; but as the insertion of these words can do no harm, I think it is only right that we should take it out of the power of the County Councils to perpetrate so great a wrong.

Amendment proposed to the proposed Amendment, in line 7, after the word "respectively," to insert the words "with the exception of the owners' consolidated rate."—(*Mr. Hunter.*)

Question proposed, "That those words be there inserted in the proposed Amendment."

(12.27.) THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): The proposal of the hon. Member is one which would have a serious effect upon

the principle of the clause. The proposition is to take away the discretion of the Local Bodies to determine what rates shall be relieved. The County Councils are elected, every one of them by a popular vote, and, of course, as the occupying ratepayers form a large majority of the electorate, they will have it in their power to prevent any abuse. I think it would be objectionable that we should attempt to dictate to the County Councils as to the mode in which the money should be expended, and I am surprised that there should be an attempt to interpose an anticipatory Instruction in regard to restricting the action of the County Councils. I may also point out that the road expenditure in counties is by far the largest. It amounts to something like £225,000, as against £280,000, and if the County Councils should feel inclined to relieve the counties of some portion of the road expenditure I do not see why they should be prohibited from doing so. That, however, is a matter for the consideration of those who are responsible to the ratepayers. There is, however, another aspect of the question. Take the case of the burghs. In the burghs the greatest part of the rates fall on the occupiers alone. With what justice, if you refuse money for the relief of the owners of property, can you apply it to the relief of the occupiers? For myself I do not think it is right that Parliament should discriminate between class and class, where it is anxious to provide relief from the burden of rates. If the burden falls heavily on one set of people, relieve them, and if upon another, relieve them. The Amendment now proposed amounts to an absolute want of confidence in the Local Administrators, and is positively unjust.

*(12.30.) MR. ESSLEMONT (Aberdeen, E.): The argument of the right hon. and learned Gentleman would have been conclusive if he had started from fair premises, but he seems to have forgotten that the County Rate has been consolidated upon the land as a matter of bargain. [Mr. J. P. B. ROBERTSON expressed dissent.] The right hon. Gentleman shakes his head, but he must remember that last year the fight was that the landlord should not be relieved from the burden which he had contracted with the leaseholder—in many cases for 19 years—to divide the rate between the landlord and tenant. In order to equalise the rates they have been taken on an average of 10 years, and a specific sum fixed as the sum which the landlord ought to pay. In the event of any increase of rate it is to be divided, and so also in the case of a reduction of rate it ought to be paid equally to the relief of the landlord and the tenant. The right hon. and learned Gentleman says that the County Councils are popularly elected. He ought to know that that is not so. A certain portion of them may be, but another portion is returned by the Parochial Boards, and is not popularly elected. In the burghs most of the rates are imposed entirely upon the occupiers, but in the burghs there is popular representation, and the popular opinion can be brought to bear very differently from the way in which it can be brought to bear in the case of the County Councils, If the right hon. Gentleman had allowed us to deal with the rates in the way we pressed upon him last year he might have something to say, but the sixpence on whisky comes chiefly from the poorer classes, and all we ask is that it shall not be devoted solely to the relief of the landlords. In my opinion, the opposition to this Amendment is only a further manifestation of the policy of the legislation which the Government have sought to carry out in this Parliament, namely, to secure the advantage of the landlords, the publicans, or the clergy. I had hoped that this concession would have been made. It is a fair and reasonable concession, and it would have induced the people to believe that the Government were prompted by a desire to make an equitable distribution of the money. I trust that the matter will be carried to a Division, in order that, at any rate, the Scotch Members may be able to enter one more protest against the policy of the Government.

(12.35.) MR. CALDWELL (Glasgow, St. Rollox): The right hon. Gentleman seems to forget that up to the passing of the Local Government Act the county rates in Scotland were payable by the landlords alone, and for the last 10 years those rates were higher than they will be now. Landlords have purchased property on the footing that the old county rates were a burden on the land. Is it

now proposed to give the landlords a subsidy for the rates which were taken into account when the property was purchased? That is the point which we have now to determine. If we are going to give a subsidy on account of local rates, can we expect the County Councils to expend money on sanitary and other improvements? The only object of this Amendment is to secure that the County Councils shall not have the power of giving relief from a stereotyped rate. It would have been much better to take the Parochial Board Rate and to have made it payable one-half by the landlord and one-half by the tenant. In that case every ratepayer would get a benefit, and the question would not have arisen of devoting money towards the relief of a rate which has been stereotyped. As the landlord's property has all been purchased on the condition of the rates being a burden upon it, what you are proposing to do now is to give a subsidy that will go directly into the pockets of the landlords.

(12.40.) MR. A. ELLIOT (Roxburgh): As I read the Amendment it is quite clear that the money is to be distributed by the County Councils and the Town Councils. My hon. Friend behind me (Mr. Esslemont) has said that the County Councils are not Popular Representative Bodies.

*MR. ESSLEMONT: What I said was that the District Councils will, to a large extent, influence the distribution of taxation in their districts, and that they are not Popular Representative Bodies.

MR. A. ELLIOT: My point is that the question of the authority by whom the money is to be distributed will rest very much with those who elect the County Councils.

(12.41.) MR. J. P. B. ROBERTSON: The hon. Member for Roxburgh (Mr. Elliot) is perfectly correct.

SIR G. CAMPBELL (Kirkcaldy, &c.): I am afraid it will be difficult to know what to do with the money, and, therefore, that the proposal of the Government will only throw an apple of discord into the County Councils, to be scrambled for in the most undignified manner. In the Irish case the Chancellor of the Exchequer proposes to give the whole of the money to education, but in the case of Scotland he refuses to do so in the most dogged manner.

THE CHAIRMAN: Order, order! We are not now discussing the case of Ireland.

(12.44.) SIR G. TREVELYAN (Glasgow, Bridgeton): I do not think that the District Boards will have anything whatever to do with the distribution of the money, and, therefore, the remarks of my hon. Friend the Member for East Aberdeen (Mr. Esslemont) as to the composition of the County Councils do not really bear upon the question of who will have the distribution of the money.

*MR. ESSLEMONT: I adhere most distinctly to my statement.

THE CHAIRMAN: Order, order! That has nothing to do with the question now under discussion.

SIR G. TREVELYAN: My hon. Friend below the Gangway (Mr. Hunter) brought forward a much more serious question, which the Government have not answered. It is a curious thing that in most of our discussions the Lord Advocate always avoids the most serious point. In the Debate upon free education the right hon. Gentleman made a long speech, but he skilfully avoided the Sixth Standard, which was the gist of the whole question. Upon this question the gist is the permanent burden upon the land; and if you allow the County Councils to relieve the landlords of that permanent burden, you will simply allow them to relieve themselves. The Government have given no answer whatever to that point, but it is one upon which I think every Scotch Member has a right to demand what the opinion of the Government is.

(12.46.) MR. J. P. B. ROBERTSON: I do not intend to enter into a general justification of my conduct. I leave that to the judgment of the House. With regard to this Amendment, all I have to say is that, if it is intended to afford relief at all, it is impossible to justify the entire exclusion of the landlords from that relief.

(12.47.) MR. HUNTER: My contention is that there can be no justification for the allotment of money solely for the purpose of reducing the charges upon property.

(12.50.) The Committee divided:—Ayes 44; Noes 118.—(Div. List, No. 213.)

Question put,

"That the words '(b.) and subject, as aforesaid, among the County Councils of counties and Town Councils of burghs, and Police Commissioners of police burghs, in Scotland, in proportion to the respective valuations of such counties and burghs and police burghs as such valuations shall be ascertained by the Secretary for Scotland at the date of such distribution, the share falling to such Councils and Commissioners respectively to be applied to the relief of local rates levied by them respectively, in such manner as they may determine,' be added after the word 'Scotland,' in line 28."—(*Mr. Chancellor of the Exchequer.*)

(1.0.) The Committee divided:—Ayes 122; Noes 51.—(Div. List, No. 214.)

Question proposed, "That the Clause, as amended, stand part of the Bill."

(1.11.) SIR G. TREVELYAN: Before the clause is ordered to stand part of the Bill, I wish to say a few words. What has hitherto been done in respect to this clause has been to treat the Representatives of the Scottish people, who know their own minds thoroughly, especially on the questions of finance and education, as if they were in leading strings. The numbers voting in an important Division were 42 against the Government proposals, and 14 in their favour. I do not stop now to analyse the minority, but everybody knows that when the Government take up a certain line, the number of Members who support the Government do not actually represent the amount of public feeling in Scotland on their side, a fact which, I may say, is common to both Liberal and Conservative administations. Still, when 42 Scotch Members vote on one side against the Government, and 14 on the other in their favour, I think there can hardly be a doubt as to which side represents the public opinion in Scotland. I must say that I regard the action of the Government on this question as most irritating, and, in some respects, almost as an unmannerly insult on Scottish feeling. I should like to know what would have been the case if the Chancellor of the Exchequer had treated Ireland in the same way. Let us look at the aspect of the House in reference to this measure. Here are most important clauses relating to Ireland, as to which Irish public opinion has been consulted, and the consequence is that there are only some three or four Irish Members present who may rise to endorse what is virtually an agreement made across the House between the Government and the Irish Members. How different is the position occupied by Scotland. We have a certain sum of money allotted towards free education, and every Scottish Member knows that free education will, thereby, be left in a most unfortunate position, and that every disadvantage which is said by its opponents to attach to free education is left there. The people are to have their fees paid for them instead of paying them themselves, and if this can have any effect on the individual character of the parents that effect is produced under the present system. But the Government propose to limit free education to a point exactly below that at which free education would encourage the parents to keep their children at school. This is the point the Scotch Members have all along been urging, and to this point, up to the present moment, we have had no adequate answer, and, indeed, hardly any answer at all. The Chancellor of the Exchequer, in the sort of House of Commons answer that he made on this subject, said we put but little trust in Scottish parents if we thought they would be deterred from continuing their children's education by not getting relief from the fees. The right hon Gentleman has been referred to as one who is interested in this education question, and, therefore, he must know that practical educationalists have always protested, both in their speeches in this House and in the Reports they have made to Parliament, against raising the fees as the children approach the upper standards. But this is not all. After having refused to do what the Scotch Members desire, the Government have insisted on inserting in the Bill words as to which there is absolutely no adequate explanation from a Scotch point of view. The Lord Advocate has told us that this money, in the case of the Scotch School Boards, may directly or indirectly be used for paying the fees in the higher standards, and yet it is insisted that in the Bill, which is understood to permit this action, certain words limiting the grant to the compulsory standards under the Scotch Code shall be retained. Why, I ask, should words be inserted in the Bill which can have no statutory or binding power? The only explanation that

can possibly be given is that they are inserted to carry out an expression used by the Prime Minister, because the question is one involving considerations that will have a bearing on the English question. Scotland complains, first, that she is deprived of what she regards as a real benefit; and, secondly, that words have been put into this Bill which add to a very genuine injury something like sheer mockery, in order that the minds of the English Members who object to compulsory education, and wish to limit it as much as possible, may be put at rest. I am very sorry that the Government, having made concessions in this Bill which, whatever else they may have done, have greatly facilitated the business of this Session, should have made a stand only in the case of Scotland, and in order that they might not make what I described in the first speech I made on this question as a most gracious concession, which would have been received with gratitude, they have taken a course by which I feel that the genuine interests of Scotland have been sacrificed.

(1.17.) SIR G. CAMPBELL: I should like to ask, if I am in order in so doing, whether the Government can give us any explanation of the inconsistency by which, while adhering to their proposals in this clause, they intend by the next to devote the whole of the Irish grant to educational purposes, and a portion of that grant to intermediate education. It seems to me an astounding inconsistency; and, worms as we poor Scotch Members are, we are bound to turn against this unequal treatment.

*(1.18.) THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): In reply to the hon. Member opposite I would point out that the inconsistency he speaks of is not at all astounding. In Ireland large contributions have already been made to the rates, but in Scotland no contribution whatever has been made before to the rates, and, as a matter of fact, Scotland gets more out of the money for education than any other part of the United Kingdom.

(1.19.) MR. CALDWELL: I think an important point to place before the Committee is the way in which under this clause the policy of the Unionist Government is exhibited. Hitherto the policy of the Government has been to treat the different parts of the United Kingdom with equal justice in the bestowal of grants from the Imperial Fund. It has been left to the Chancellor of a Unionist Government to divide the Kingdom into three separate nationalities, and to start separate accounts for each under the head of Imperial grants——

THE CHAIRMAN: I would remind the hon. Member that we are now discussing the question whether Clause 2 shall stand part of the Bill.

MR. CALDWELL: I bow, Sir, to your ruling; but I was anxious to point out that what has been allocated to Scotland is Scotland's share of the Imperial Fund, and I wish to argue that it is only right that the money should be distributed according to Scottish opinion. If the Chancellor of the Exchequer says that the Scottish Members do not represent Scottish opinion, and that a question which concerns Scotland alone ought not to be determined by the votes of Scottish Members, I think we may reasonably ask the Government to provide some other constitutional machinery whereby the voice of Scotland may be really ascertained.

(1.21.) MR. WALLACE (Edinburgh, E.): I should not have risen to continue this discussion but for the challenge yesterday thrown out by the Chancellor of the Exchequer to the Scottish Members, and the manner in which he, to a certain extent, hit myself more particularly than the rest of my Colleagues. The Chancellor of the Exchequer has said that we on this side do not fairly represent the feeling of the Scotch working classes in this matter, but it seemed to me that in the course of the encounter which took place between the right hon. Gentleman the Chancellor of the Exchequer, and the right hon. Gentleman the Member for Sheffield (Mr. Mundella), the former right hon. Gentleman did not show himself particularly well acquainted with the educational condition even of the English working classes, more particularly in the county in which he himself resides. The Chancellor of the Exchequer referred to his own experience in relation to a constituency in the Scottish Metropolis, and adverted to an occasion on which he advocated principles antagonistic to free education, and said that he then and there obtained proofs of the confidence of that Scotch

constituency in the opinions he professed. I may tell the right hon. Gentleman that I also have some acquaintance with that constituency, and that it is of a much more recent date than that of the right hon. Gentleman. Whether he was deceived by the *post hoc* or the *propter hoc*, or by some syllogism or other "ism" I do not know; but I can confidently say, as many of my Colleagues have said on behalf of the Scotch constituencies they represent, that in that particular constituency there is, among the working classes, a strong feeling antagonistic to the proposal now before this Committee. If the Chancellor of the Exchequer doubts what I say I will make him this offer. Let him come down to Edinburgh to discuss this matter, and we will promise him a fair field, and no favour; not only will he have the advantage of his great controversial ability, but he shall also have the leading speech and reply, and I will undertake to say that, even with these advantages, he will not find that the constituency he has mentioned as supporting his views on a former occasion will support them now. Should it turn out otherwise, I will undertake to go into sackcloth and ashes, or to perform any other humiliation which the Chancellor of the Exchequer may demand, and which may happen to be within my power. But the Chancellor of the Exchequer also told us that it was unfair to Scottish parents to say that if you remit the fees for more than the compulsory standards you do not rely upon their sense of duty. My reply to that is, that if that is an objection to this measure, it is an objection to compulsory education altogether, because every compulsory scheme must necessarily rely on the parents' sense of duty. The great object of the present educational system is that there should be a universal diffusion of knowledge throughout the community up to a certain standard, and for that purpose it is necessary that compulsion should be exercised on that class of parents who are not sufficiently moved by a parental sense of duty. I say that if we are not satisfied that the standard of education is sufficiently high we are bound to take such measures as may secure, as far as possible, that parents who are not moved by the sense of duty, shall, by some other means, be induced to carry on the education of their children to the necessary limits. We are asked why are we to free or emancipate parents from their duty. Sir, I do not regard the proposal for free education which we now make as any attempt to free parents from their duty. I regard it rather as an assistance to parents in the performance of their duty—as an inducement offered to them to keep their children at school after they have passed the compulsory stage in order that the standard of education may be raised as far as possible throughout the community. I would ask leave to say, further, that it is of the utmost importance to the object the State has in maintaining this system of national compulsory education, that the Sixth Standard should be made a free standard. I say that at the age when compulsion stops you lose what is the crown of the whole system you have been persevering with in the previous standards if you stop at that limit. I maintain that if the Sixth Standard is not made, as far as possible, universal, you, to a large extent, lose all the advantages derivable from the education given in the previous standards.

THE CHAIRMAN: Surely the hon. Member is travelling beyond the scope of the clause, because this clause does not describe what should be compulsory with reference to the standards.

MR. WALLACE: Of course, I shall not persist in an argument which you consider to be out of order, and, therefore, I will proceed no further with this point. The Bill, however, provides that money is to be given to free those standards which are at present compulsory. I do not know whether I should be in order in alluding to another part of the clause which gives money for purposes which are challenged in Committee on the ground that the money would be more advantageously devoted to other objects.

THE CHAIRMAN: I understand the hon. Member to be raising the question that the Sixth Standard ought to be made compulsory, more, even, than the other five standards. It does not matter whether there are five, six, or a dozen standards.

MR. WALLACE: I make no proposal to render the Sixth Standard compulsory, but I say that in this clause you are simply throwing obstacles in the way of the attainment of that which is the object in having the five compulsory

standards. I was about to say that it is extremely desirable, from an educational point of view, to keep children in the Sixth Standard, even after the compulsory stage had been passed, and that this clause, because it throws itself in the way of the attainment of that object, is a most objectionable one. The five compulsory standards only give the key to knowledge, and do not give any experience of knowledge, or any pleasure, or any of the good temptation which arises out of that knowledge. If you merely give a person a key with no conception of what he is to find in the place the key fits, you have given him a useless instrument, because he has no temptation or stimulus to make use of it. I maintain, therefore, that it is a great calamity and disappointment to Scotland that the inducement that might have been offered to parents, through a better version of this clause, to keep their children longer at school than the compulsory stage, has not been held out. The only redeeming consideration I find in it, is that it will prove—and that not very long ahead—a greater disappointment, and a greater calamity to the Party who have so perversely refused the object on which the national will and aspirations were set. We have been told that the ratepayers ought to come into some benefit from this money. I maintain that the greatest benefit that the ratepayers could receive from the expenditure of this national money would be the elevation of the general standard of public education throughout the country. The Government told us that, as this money was derived from drink, the best use to make of it was, by its means, to diminish the consumption of drink—and then they went on to apply it—or propose to apply it—in the very unwise way of endowing public houses. In that application of the money they have been, politically speaking, disappointed. Why, then, did they not adopt the next best method of meeting the influence of drink, namely, by advancing education? I hold that to perfect the spiritual nature of man is the next best antidote—I would say the best, better than the endowment of public houses. I do not think that in that I am advancing an untenable proposition. And now I would renew my protest against what I will call the political fraud contained in this clause; that is to say, the attempt to declare that the money is given exclusively for the freeing of the compulsory standards, in the face of the promise given to us that "Behind the back of Parliament and the Statute it will be all right!" When I am compelled to sit here and see that sort of thing done, I feel almost that I am not in the best sort of company. It looks to me almost as if I were present at the concoction of a prospectus that may, by-and-by, require the attention of the Directors' Liability Bill. I say I will not be, even indirectly, concerned in putting forward a delusion of this sort to the public. It may be very clever, but I say that Artful Dodgerism in a political or any other character does not commend itself to my plain and unsophisticated understanding. I do not like old Fagan in any capacity, and I hope that, at the last moment, more straightforward counsels will recommend themselves to the Government.

(1.42.) SIR W. HARCOURT (Derby): Before we pass from this clause, I think we ought to consider what it is, and what the Government and the House of Commons have been doing with it for the last three days. This clause is the 2nd clause of the Bill, or the first clause which is to dispose of the extra taxation raised by the Chancellor of the Exchequer for the satisfaction of the wishes of the various sections of the United Kingdom. We know what happened to the 1st clause of the Bill. It has gone to pieces. The 2nd clause is for the satisfaction of the people of Scotland, and we have had an opportunity in the House of Commons, in the last three days, of ascertaining exactly how far this clause satisfies the people of Scotland. We know that on the other side of the House no very high value is given to the opinions of the Representatives of the various parts of the United Kingdom. We have seen that with regard to Ireland, and we know how the opinion of her Representatives is treated with disdain, and even with hostility, but I think that until this week that principle has not yet been openly avowed, and practically acted upon, with reference to Scotland and its Representatives. But I will ask the Committee to consider what is the course and what is the conduct of the Government with reference to Scotland and its

Representatives? Now, mark this; the question is the disposal of taxes raised upon what is, undoubtedly, one of the principal industries of Scotland, and we would have supposed that the disposal of the money would have been governed in some degree, at all events, by the opinion of the Representatives of Scotland. What are the facts? Scotland has 72 Representatives in this House, and, taking the Division on the Amendment of the hon. Member for Perth, who proposed to eliminate from Clause 2 the compulsory standards, as a test Division, the result of an analysis which I have made of the Division List shows that out of the 73 Scotch votes the Government are only supported by 12 Members. That is a matter which will be considered and remembered in Scotland. Now, let me go a little further in this analysis. Tories are not a numerous body in Scotland, but they have contributed seven votes, two of the number being votes of Members for Universities. Universities in Scotland, I fancy, like Universities in England, by their Representatives, are not friends of popular education or of free education. Out of those seven votes I find that three are those of Members sitting on the Tory Treasury Bench—one of whom represents the populous constituency of the Island of Bute—a fourth is that of a Member representing a University, and out of what I may call the independent votes for Scotland in this House three Tory Members have voted in support of the Government. Then there is another vote in Scotland, which we regard with considerable interest—in fact, its future state is the subject constantly of our pious commisseration. As far as I know, the gentlemen who call themselves Liberal Unionists number 16 amongst the Scottish Members. Out of these 16 how many have given their support to the Government on the present occasion? Just five. Of course, there was the Member for St. Andrews, and the Member for Roxburgh, who supported the Government by his vote and voice, and always exhibits the ardour and courage which characterises the sincere ally; then there were the two Members for Ayrshire and the Member for Forfar. I have spoken of the Tories who supported the Government, but where were the Tory absentees? There were several of them. Where were the two Members for Renfrewshire; where was the hon. Baronet the Member for Renfrew, the hon. Member for Dumbartonshire, the hon. Baronet the Member for one of the Divisions of Perthshire, and the latest acquisition, the victor of the Ayrshire Burghs, whom I see opposite?

*Mr. SOMERVELL (Ayr, &c.): My absence was owing to my being obliged to attend an important meeting in Scotland. I was detained until the moment I entered the House, and I voted in the subsequent Divisions.

Sir W. HARCOURT: I beg the hon. Member's pardon. I noted his absence, but did not know the cause of it. The Government got the votes of 12 out of the 72 Members. On the other hand, what had the Government against them in relation to the measure? I venture to say that they had the overwhelming voice of the people of Scotland in opposition to them. Forty-four Scotch votes were recorded against them, as compared with 12 in their favour. With regard to the Scotch Unionist Members, their votes were distributed with almost absolute impartiality, because five voted with the Government, five against the Government, and the other six wisely abstained from voting at all. The hon. Member for the Ayr Burghs has accounted for his absence. Of course, I cannot tell the causes of the absence of the others, but I observe that the hon. Member recently elected for the Partick Division did not vote. It is worth while to consider how Scotland has been dealt with by the Government on this occasion. All the Representatives of the great and populous centres in Scotland have voted against this measure, All the Members for Edinburgh, nearly all the Members for Glasgow, the Members for Aberdeen, Dundee, Dumfries, Greenock, Inverness Burghs, Leith, Paisley, Perth, Montrose, Stirling, and Hawick, have voted against you. What is there in your favour? You have the Member for St. Andrews and the Member for Central Glasgow. They are the only burgh Representatives who have voted with you. Of course you have the support of the Representatives of the Universities. Let us look at the counties. You have against you the Representatives of Aber-

deenshire, Banff, Berwickshire, Caithness, Edinburgh, Elgin, Fife, Haddington, Inverness, Lanarkshire, Linlithgow, Perth, Ross, Stirling, and Sutherland. Such is the voice of the counties, and still you persist in the measure. You say you do it because of some great principle which is involved in the matter. The principle is laid down by the Chancellor of the Exchequer. The Lord Advocate avoided the principle; he said a good deal about the practice, and very little about the principle. The principle is, we will pay for the compulsory standards, but not for the voluntary standards. The Scotch Members have maintained that they attach even greater importance to the payment of the voluntary standards than to that of the compulsory standards. The matter has been ably argued by the right hon. Gentleman the Member for Sheffield (Mr. Mundella) and others. It has been shown that your conception of excluding the voluntary standards depended upon the notion of a distinction of classes which is detested and repudiated by public opinion in Scotland, and, therefore, your principle is one which is repugnant to the mind of the majority of the people of Scotland. Your principle is a bad one, but there is something to be said for people who, having a principle, good or bad, carry it out. We had great difficulty in getting at exactly what was going to be done with this money. The Lord Advocate endeavoured to explain the matter over and over again, but the more he explained it the less we understood it. We said, "Your disposal of the money last year and your legislation were inconsistent with the great principle of the Chancellor of the Exchequer, because you did not put in words to exclude the voluntary standards, and you did, in fact, give money which went, as I understand, to the payment for voluntary standards," and we asked why you departed from that. If the Lord Advocate had said, "Oh, the Chancellor of the Exchequer has got a great principle, and, therefore, I must depart from the practice of last year," I could have understood it, but the Lord Advocate was too prudent for that; he is much too canny to say that. He said, "Oh, no; consistently with the great principle of the Chancellor of the Exchequer, that money is not to go to the voluntary standards, but, if you will only trust me, the voluntary standards shall get it." You are not to give Imperial money to the voluntary standards, but you are to give Imperial money in such a way that the voluntary standards may get it. What is to become of the money in the case of schools where already grants are sufficient to deal with the compulsory standards? The Lord Advocate says it will go to the ratepayers; but supposing the ratepayers use the money for paying the voluntary standards, the great principle of the Chancellor of the Exchequer will be upset. The Chancellor of the Exchequer is like a man who says to a small boy, "No power on earth would induce me to give you a penny to buy a tart with, because tarts are very bad things for small boys, but if you only spend a penny of your own upon a tart, I will take care to give you a penny." Now, what a piece of management is this. The Government have money to dispose of for the benefit of the people of Scotland. They have disposed of it in a manner which has almost given as much dissatisfaction to the people as if, instead of giving the money, they had taken it away. I do not know whether we are to be told that we have been obstructing this measure. [An hon. MEMBER: Hear, hear!] There is an hon. Member ready to say that. I observe that this morning the whole Unionist Press is in full cry against the Scotch Members, charging them with obstruction. Have you Unionist Gentlemen opposite any conception of what Scotch Representatives are here for? Irish Members are here to be voted down, to be defamed, and to be insulted. This was shown during the first 10 days of the present Session. Are the Government going to apply the same doctrine to Scotch Members? If you choose to raise against the Scotch Members the cry of obstruction, there is another cry that will be raised in answer, and that is the cry of Home Rule. Is it not monstrous to say that when the Government come forward with proposals which the people of Scotland think not to be a boon, but injurious to them, their Representatives in Parliament are not to be at liberty to argue against such proposals, to resist them, and to endeavour to amend them? What a conception is that of the union of the United Empire!

See what you did when you had to deal with a very much inferior question—the question of the police. The Scotch people think a great deal more about their education than they do about police superannuation, but when you had to deal with the police, you appointed a Committee, which consisted exclusively of Scotchmen, a very remarkable and useful precedent. But what would have become of this clause if they had referred it to a Committee consisting exclusively of Scotch Members? Why have they not done so? The First Lord of the Treasury has let the cat out of the bag. It is because they mean to make the question of Scottish education subordinate and subservient to their views on English education. That will not commend itself particularly to the Scottish people, who have their own views and their own interests in the matter of education. There is one thing in which Scotland is fortunate and distinguished—that that bitter spirit of denominationalism which has been so injurious to the cause of education in England, has had comparatively little influence in Scotland. And the Government have chosen, in dealing with this question, to subordinate the interests of Scottish education to the denominationalist prejudices which exist in England. That is the secret of the manner in which they have dealt with this clause. These things will be thoroughly appreciated and understood in Scotland. It is said we should not look a gift horse in the mouth. But this is so bad a horse that we are obliged to look it in the mouth, and the more we look it in the mouth, the more we think the gift horse will not be worth its keep. I cannot understand on what principles the Government go in dealing with different sections of the community. They profess to bring in remedial measures for Ireland, but they will not consult Irishmen. You profess to bring in remedial legislation for Scotland and Wales, but you will not consult Scotchmen or Welshmen. Of course, you have got the Liberal Unionists. The Scotch Liberal Unionists are represented by their organiser the Member for St. Andrews, and the English Unionists are led by the noble Lord who is now the Member for Hampshire (Viscount Wolmer), but who is a candidate for one of the Divisions of the City of Edinburgh. [Mr. A. ELLIOT: Hear, hear!] The hon. Member for Roxburgh (Mr. A. Elliot) applauds that. But I commend the Action of the Liberal Unionists in this matter to the consideration of the electors of Edinburgh, whose Representatives have unanimously voted against this Bill. The Government have still place for repentance, and I hope that, on the Report stage, the very necessary education of these three days' Debate will enable them to make this 2nd clause a gift more worthy the acceptance of the people of Scotland.

(2.15.) MR. A. ELLIOT: As a Scotch Member, I wish to say a few words on the clause, and on the somewhat extraordinary oration to which we have just listened. My right hon. Friend (Sir William Harcourt) seems a good deal more ready to study the Division Lists than to study the Scottish proposals. I do not know for what purpose the right hon. Gentleman supposes the Scottish Members are here, but it is certainly not to rally round the flaunting flag that the right hon. Gentleman so assiduously waves before us. I will not follow the right hon. Gentlemen in his analysis of the Division List beyond saying this—that the right hon. Gentleman hardly seems to be acquainted even with the names of the Scottish Members whose votes he criticises. He has discussed the vote of the Member for Hawick, and it is evident that he has failed to distinguish between two very different Gentlemen—Mr. A. H. Brown and Mr. A. L. Brown. The right hon. Gentleman has been equally at fault in his references to the hon. Member for Partick, and in assuming that because that hon. Gentleman was absent from the Division he was unwilling to support the clause. If the right hon. Gentleman does not know, he might have left the hon. Member alone. A similar argument may be founded upon the absence from the Division of the Member for Leeds (Sir Lyon Playfair), who takes a good deal of interest in Scottish education.

SIR W. HARCOURT: He did vote. You are mistaken.

MR. A. ELLIOT: The right hon. Gentleman assured me himself that he did not vote. I am talking about the late Division last night, and he assured me that he did not vote, because he was not aware that the subject was likely to be discussed at such extreme length.

SIR W. HARCOURT: The right hon. Gentleman's name is here.

MR. A. ELLIOT: The right hon. Gentleman and I are thinking of different Divisions, and I may just as well count the Member for Leeds on my side if the right hon. Gentleman is to count the Member for Partick among the opponents of the clause. I wish to allude to something else, namely, the action of my right hon. Friend the Member for the Stirling Burghs (Mr. Campbell-Bannerman). The right hon. Gentleman is a Scotsman, and he discusses this question occasionally with some regard to its merits. I was pleased to hear my right hon. Friend sever himself from the line taken by the hon. Gentleman the Member for Aberdeen (Mr. Bryce). The hon. Gentleman has practically led the House on this Scottish question. He moved the main Amendment, yet he distinctly separated himself from his right hon. Colleague, and refused to follow him into the Lobby.

MR. CAMPBELL - BANNERMAN (Stirling, &c.): I do not know what this has to do with the question before the House; but my action in the matter was perfectly intelligible. As I have explained to the House, I am entirely opposed to the proposal of the Government; but while I sympathised with the alternative proposal of my hon. Friend (Mr. Bryce) I was not able to support it.

MR. A. ELLIOT: After asking his hon. Friend not to go to a Division, because if he did he could not support him, the right hon. Gentleman when the Division was taken did support the hon. Gentleman the Member for Aberdeen (Mr. Bryce.)

MR. BRYCE (Aberdeen, S.): Perhaps I may be allowed to explain. The Division to which my hon. and learned Friend is now referring is not the Division to which my right hon. Friend the Member for Derby referred.

THE CHAIRMAN: Order, order!

MR. A. ELLIOT: If the two Gentlemen concerned are well satisfied with their joint action last night, I only wonder at their admirable good temper and conciliatory disposition. With regard to Scottish opinion, I do not think that in Scotland, on a Scottish matter, the opinions of the Member for South Edinburgh (Mr. Childers) joined with those of the Members for East and West Fife (Mr. Asquith and Mr. Birrell) and one or more of the Members for Lanarkshire will carry great weight. These Gentlemen are very able, excellent, and admirable, but they are not acquainted with Scotch affairs. They are not Scotsmen—not even nearly so much as the right hon. Gentleman the Member for Bridgeton (Sir George Trevelyan). If Scottish Members have any merits at all, they are able to look after their own affairs, and they do not require any Englishman to take up the cudgels on their behalf. Surely it is not an "insult" and an "injury" to give the Scotch people £40,000 to aid in establishing free education. The distribution of the money, I contend, ought to be general, which it will not be if it is bestowed only on some central places for the advancement of higher education. In that case the rural population—the farmer, the blacksmith, the joiner, and the rest—will derive no direct benefit, whereas under the Bill every one of these individuals obtains some recognition. When the matter comes to the test of a Division I do not think certain right hon. Gentlemen will have the courage of their brave words. With regard to the suggestion that the matter should be determined by the preponderance of Scottish votes, will right hon. and hon. Gentlemen be willing to submit all questions relating to England to the English majority, in which the Conservative Party largely prevails? That is the test. I hope we shall have a Division on this clause. It may be that the results will be so strange that the Division List will afford further opportunity to my right hon. Friend (Sir W. Harcourt) to study the causes for which hon. Members absented themselves.

(2.28.) MR. R. T. REID (Dumfries): My hon. and learned Friend (Mr. Elliot) is not really a free agent, and for that reason we ought to make some allowance for him, because he knows that unless he succeeds in making himself agreeable to the Conservative Party in Roxburgh, he may spare himself the trouble of presenting himself there for re-election. That is the reason the Liberal Unionists are so obstinate, unconciliatory, and violent in their language against their old friends. My hon. and learned Friend is wise in not following up the analysis of the Division

Lists, because it will be found that throughout Scottish opinion has been over-ruled by the Government and their supporters. My hon. Friend has referred to the fact that some Scotch Members are not Scotchmen, and that some hon. Members represent a country with which they are not well-acquainted. Neither remark affects me, but would there be anything more parochial, contemptible, and narrow than for our countrymen to confine themselves simply to such talent as they may chance to find in their own part of the country, or to confine themselves wholly to Scotch Representatives. Many of our countrymen represent English constituencies. I once represented an English constituency myself, and this I will say, that I never found an Englishman in the whole of that constituency so shabby as to make it a matter of reproach that I came from the wrong side of the Tweed. In regard to my right hon. Friend the Member for South Edinburgh, and my hon. Friends the Members for East Fife and West Fife, I do not believe three more honourable representatives or more able men have been sent by any Scotch constituencies to this House. The hon. Member also says that, to be consistent, we should settle English affairs by English votes. Well, has that not been the practice absolutely? I think you will find I am right. I do not believe it will be possible to find a Bill relating purely to England on which the wishes of English Members were overborne by the introduction of Scotch and Irish votes. ["The Burials Bill."] No, I think the noble Lord is wrong, not even the Burials Bill.

MR. A. ELLIOT: Of course, the majority keeps the Government in Office, and that, surely, covers the legislation for England.

MR. R. T. REID: I do not think it does. It is true that in all Imperial affairs Scotch and Irish Members have taken their fair share, as I hope they always will; therefore, as an Imperial Government which is dependent on the whole House, it necessarily follows that the Government must be retained in office by the majority of the Members of the United Kingdom, but I do not believe that an Imperial majority has ever been used to thrust upon England any measure which the majority of English Members were opposed to. I do not believe any instance of the kind can be found. It is unfortunate, and I think hon. Gentlemen on the other side will, in their hearts, think it is unfortunate, that the practice of constantly superseding Scotch opinion by the majority of the House composed of English Members should have grown so much as in the last three or four years it has. I am sure it has been the practice in past times to consider and defer to Scotch opinion in matters of this kind. In this particular we were happily different from Ireland; as regards Ireland it was not the practice. It is this Conservative Government that has fallen into this unhappy unstatesmanlike course, of which this is the last and most signal instance, and if no other good arises from our protest, I hope, at all events, it may have the effect of calling attention to, if it does not check a continuance of, this disastrous and, as I think, most unstatesmanlike policy.

(2.36.) MR. HUNTER: The hon. and learned Member for Roxburgh rather despises our courage, and, by implication, admires his own, and challenges us to go to a Division on Clause 2. Well, whatever may be the state of our courage, we are not wholly destitute of common sense. What does Clause 2 effect? It effects the distribution of £140,000 to be devoted to Scotch purposes. In Scotland we would rather that this money should go to Scotland for any purpose, however bad, however objectionable, than that it should be lost to us. The money is not a gift. There was one part of the speech of the right hon. Gentleman the Member for Derby with which I disagreed; he spoke of this as a gift; it is no gift. For every 3s. 3d. given, you take 5s. out of our pockets. We are losers, even at the best, and we shall not be guilty of any such folly as the hon. Member for Roxburgh suggests in endeavouring to delete the clause. Now, the hon. and learned Gentleman talked very loudly about giving something to the ratepayers, but in the several speeches he has addressed to the Committee he has never attempted to say what the ratepayers are going to get under this clause. A farthing would be something, a penny would be something, but if a man picks your

pocket of 5s. and gratuitously presents you with a penny you would be disposed to agree that would be something uncommonly like an insult. The fact of the matter is that, under the most favourable circumstances, the whole benefit of this may be measured by the value of an ounce of tobacco. That about represents the value the ratepayers of Scotland will get. The right hon. Gentleman the Member for Derby has relieved me from the necessity of bringing before the Committee a clear statement of the position in which Scotch Members stand in regard to the Government. But I am delighted with the course of the Debate. I deeply regret that the Government have refused to complete the work of freeing education. I do so, not only because of its effect on the cause of education, but because of its bad effect on School Board finance. We know the inconvenience the Boards have felt from not knowing what money they are to have, and what they will be required to raise. It is a great loss to Scotland that the system of free education is not to be completed. But there are considerations, on the other hand; and, just as many a dark cloud has a silver lining, so there is a brilliant lining to this, in that we have been afforded a good object-lesson in Home Rule for Scotland. Last year, in dealing with Local Government, the Government forced upon Scotland a scheme totally at variance with the wishes of her people, a bad scheme, as bad as could possibly be devised. Having done that last year, they now deal with local finance, a very ticklish question. The Chancellor of the Exchequer has practically admitted this principle in his scheme of subsidies for local rates, that money raised Imperially should be recognised as national property, to be distributed among the three nations from which it was derived; therefore, recognising, as he ought, that this money raised in Scotland is Scottish money, not English money at all, it ought to be spent according to Scottish, and not English, wishes. We considered you foolishly threw away your money last year; but that is your affair; we do not object to that, but we do strongly object that, your Imperial taxation having been raised by methods imposed against the wish of Scotch Representatives, you should proceed to spend the money so raised not on objects which the Scottish people desire, but upon objects which, in a relative sense, they detest. You are leading Scotland up to that point to which a little more than a century ago you brought your American colonies, when you imposed taxes upon them without their assent and against their wishes. What is the difference between imposing on a country taxation without the people's consent, and doing what the Government are now doing, first asking our opinion, and when that has been expressed in the clearest terms setting that opinion entirely aside? A more monstrous abuse of the power of taxation cannot be conceived. If it were raised for Imperial purposes it would be quite another matter. For Imperial purposes, the Imperial majority must decide, but this is not such a case. Having imposed taxation to the extent of 5s. for each family, you deduct from that 1s. 9d. for the benefit of England, and then deal with the residue in a manner totally opposed to the opinion of the people of Scotland. I do not intend to occupy time further, but I do not forget that the Government are not yet out of the wood. We have offered determined resistance, and I rejoice to hear that condemned by the Tory Press of London. If there is one thing to make our view universally popular it is to be attacked by the Cockney Press of London. We shall continue to use all the forms of the House to the fullest extent to prevent this scandalous, this gross, injustice to the people of Scotland. The Government may, if they please, be wise in time. They may resort to the Closure, or any means in their power, but one thing they cannot do—that is, reconcile us to their policy. They have cast their die, and let them go to Scotland with their cry of "Down with free education."

(2.50.) Mr. W. H. SMITH rose in his place, and claimed to move, "That the Question be now put."

Question, "That the Question be now put," put, and agreed to.

Question, "That the Clause, as amended, stand part of the Bill," put accordingly, and agreed to.

Clause 3.

Amendment proposed, in Clause 3, page 2, line 35, leave out from "the sum of," to "shall," in line 40, and insert "£78,000."—(*Mr. Chancellor of the Exchequer.*)

(2.52.) MR. SEXTON (Belfast, W.): I think it would be convenient if the Chancellor of the Exchequer or the Chief Secretary were now to offer some explanation as to the working of the scheme so far as it concerns primary education in Ireland. I have, on a former occasion, described it as complicated in character. The Chief Secretary differed, but I think it will be found, on consideration, that the scheme is one upon which the Committee may well ask some further explanation. I may recall the fact that we strongly objected to the increase of Revenue from Ireland as extremely unjust; and, although the original purpose of the taxation has disappeared, the money is to be raised, and I wish to say that we assent to the application of this part of the money in aid of primary education, by way of increasing the salaries of the National teachers. We are not disposed to give countenance to any suggestion made—not in the House, but outside—for the division of any part of the sum to any other use than that of primary education. We regard with satisfaction that a substantial part of the money is to be applied in aid of a class of men whose position is an extremely hard and bitter one, and who need further care on the part of the State. While we are satisfied that the money should be applied in this way, yet we feel that the case of the National teachers will have to be dealt with—not casually, and as by a windfall, but deliberately and permanently, as a matter of ordinary provision. In reference to what was said a while ago by the right hon. Gentleman the Member for the Bridgeton Division, I have to say that this scheme for National teachers has been prepared in the usual Government mode, and without any reference whatever to Irish Members on the subject. I am not aware of the origin of the scheme. I do not know whether it was submitted to, or considered by, anyone in Ireland. I say frankly I do not think it by any means the best scheme that could be devised for the appropriation of the money. I go further, and doubt whether it is a good scheme, and I question very much whether it will work equally between large and small schools, between efficient schools in towns and backward schools in the country, between schools in the contributory and the non-contributory Unions. Though I think it would have been better if Irish Members had been consulted upon the details of primary education in Ireland before the introduction of this provision into the Bill, yet, as the whole of the money is to go in aid of National teachers, and inasmuch as the National teachers, the persons principally interested, have made no adverse representation about the scheme, I do not feel called upon to offer a scheme in substitution, or even a comprehensive Amendment of it, though I think a better scheme might have been framed, and a comprehensive Amendment of this could be supported by very strong arguments. There are one or two points upon which I feel it my duty to offer Amendments, in order to secure a more fair distribution. First I ask, is it intended to include what are called model schools in the scheme? If so, I shall have to protest against and resist it, because, though the amount of money that would be so diverted would be small, not more than £1,000, yet the principle at issue is imperative. These model schools have ceased to satisfy the purposes for which they were brought into existence. Those purposes were two, the training of teachers, and the provision of mixed education in an efficient form. There are now State training colleges, and, therefore, the model schools are no longer required for their original purpose, namely, the training of teachers. Secondly, they cannot be called schools in which mixed education is given, because they they are attended almost entirely by children of one creed, and that not the creed of the great mass of the people. I do not believe there are more than 250 Catholic children in all the model schools in Ireland, and in some of them there is not a single Catholic child to be found. I would call attention to the fact that for the education of 7,000 children in these schools, the State pays £30,000 a year at the present time, that is to say, each child costs the State £4 a year, and

I doubt very much if, in all the systems of primary education in the world, you could find a parallel to this. The cost of the institutions approaches a scandal, and I shall resist voting another penny to their support. It is a question how long such a scandal is to continue. If the right hon. Gentleman feels himself called upon to answer me, I shall be glad to know if it is intended that any of the money shall go to the assistance of the model schools, where the teachers stand in a wholly different position to National school teachers. It is clear that the model school teachers are now well paid because there is a sum of £2,000 now paid in fees in those schools, annually paid into the Exchequer. There is every reason for refusing them any contribution from this grant, and, at the proper time, I shall feel it my duty to propose an Amendment excluding them. Then I have to ask, Have the Government considered the effect of this scheme of theirs as bearing upon the system of local contributions from the rates in aid of primary education in Ireland? That system exists to a very inefficient extent. From 160 Unions there are only 12 contribute to the rates. One effect of the scheme will be to put an end entirely to contributions from the rates in aid of primary education. I do not know whether that is desired or contemplated. I take it the contribution under the Bill by subsidies towards primary education will be greater than the aid from local contributions. The effect will be that in every Union where the Guardians pay more from the rates than they get under the Bill they will cease to contribute, and the teachers will be left to the State subventions. I take the case where the Guardians pay less and the result fees are low. Where they pay less from the rates than is payable under the Bill, it is quite obvious that there it will be to the interest of the teachers that the contributions from the Guardians should cease. Of course, the moment it becomes to the interest of the teachers that this should be so, the Guardians will cease to pay; they will respond to the representations of the teachers, who will be placed in a better position. When this Bill passes, then local contributions to the aid of primary education will come to an end. I do not argue whether this is good or bad; I only ask if you intend this to be the effect of the scheme? Great efforts were made to pass the Act of 1875, and the then Chief Secretary (Sir M. Hicks Beach) stated that if the Act failed to operate, then something further would have to be done. It has failed to operate, as is shown by the fact that, of 160 Unions, only 12 are contributory Unions under the Act of 1875. In the Amendment I shall propose to the clause, the principle is affirmed that the whole of this money, £78,000, is intended for education, and should be devoted to that purpose. But in the case of a contributory Union, where the Guardians pay less for education than the grant will reach to in that Union, the deficiency is not to be given to the teachers, but to be added to the Probate Duty Grant. Suppose Guardians pay £300 in aid from the rates, and the amount given under this capitation grant comes to £400, the course under the Bill would be that the Guardians would be paid £300, making good the amount contributed from the rates, and instead of the other £100 being given to the teachers, and placing them upon the level of teachers in non-contributory Unions, the equally unfortunate position is taken up by the Government that they divide this £100 between the Poor Rate and the Grand Jury Cess all over Ireland. Surely that is a most unreasonable determination. The Unions in which the contributions are less than the amount will be under the Bill, are limited in number, and the amount involved will be only a few hundreds or thousands, and you place the teachers in these contributory Unions in a worse condition than teachers in non-contributory Unions. I would suggest that where the present grant of the Guardians is less than the grant under the Bill, the balance should be divided among the schools in the Union in proportion to average attendance, placing teachers there on a level with teachers in non-contributory Unions, making your plan at once more symmetrical and more just. At the proper time I intend to move an Amendment in that sense.

*(3.5.) THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I have no complaint to make of the spirit animating the hon.

Member's observations, or the particular suggestions he has made. With regard to the suggestion that a better scheme might have been propounded as regards Ireland, I can only say that I gave a good deal of attention to the subject, and consulted those whose advice was at my disposal, and who are intimately acquainted with the whole details of the question, and the result is that, though I am far from saying it is the most perfect method of dealing with a somewhat complicated question, the scheme is the best available at the time, and, at all events, it has this one great merit, that it has given satisfaction, I believe, to the teachers as a whole. The hon. Gentleman has reminded the Committee that for a considerable time the position of Irish National School teachers was matter of dispute between Irish Representatives and the House of Commons at large, and, personally, I am glad to have the opportunity of doing something substantial to improve their position, and it is a gratification to know that what the Government have done has met hardly any—if any—criticism from those chiefly interested, but has, on the contrary, met with their approval. The hon. Gentleman appears to be of opinion that teachers in those Unions which have taken advantage of the Act of 1875 will be placed in a worse position than teachers in those Unions which have not done so.

MR. SEXTON: In those Unions where the contributions from the Guardians are less than the capitation grant under the Bill will amount to.

*MR. A. J. BALFOUR: As I understand, the intention is to divide £78,000 among the Unions in Ireland. In those Unions which do not contribute under the Act of 1875, the money will go to the teachers. In those Unions which do contribute, it will go to the ratepayers.

MR. SEXTON: I do not think the right hon. Gentleman quite appreciates my point. In some contributory Unions the Guardians pay less in aid of education than the teachers would receive under this Bill if the Union were non-contributory: and my suggestion is, that in those Unions the balance remaining, after making good to the Guardians the amount paid, should be appropriated to the teachers, as it would be if the Union were non-contributory.

Mr. A. J. Balfour

*MR. A. J. BALFOUR: As illustrating the point of the hon. Gentleman, let me take two Unions, A and B. A has never contributed under the Act of 1875, and will get, say, £1,000, and that goes entirely to the teachers. In B the total amount contributed is £500 only, and in that Union, as I understand the hon. Gentleman, he thinks the £500 not contributed should be a first charge on this £78,000. That is what he thinks ought to be done.

MR. SEXTON: That the balance of the £1,000 should be distributed among the teachers in the Union.

*MR. A. J. BALFOUR: Substantially what is done is that in Union B, as in the other Union, what does not go to the teachers goes to the rates. The hon. Member has raised the question of model schools, but I do not think the teachers of those schools get anything under the Act of 1875. They are, I understand, entirely supported by the Board of Education in Ireland.

MR. SEXTON: There are three classes of model schools, central districts, and Union, and the right hon. Gentleman will find that in all there are payments by results.

*MR. A. J. BALFOUR: Speaking from memory, I do not think it was ever contemplated that the salaries of teachers in these schools would be liable to augmentation under the Act of 1875. The salaries of the teachers are, I believe, paid by the Board of Education in Ireland; and if that is so, and this Bill follows the Act of 1875, the salaries of the teachers of the model schools will not be affected one way or the other by any contribution under the Bill. Though I have not thought out the particular point raised, I am disposed to concur in the general view the hon. Gentleman has expressed in regard to this Local Taxation Bill, and have resisted schemes which, however attractive in themselves, however good, were not connected with the object of devoting this £78,000 to the relief of local burdens in Ireland.

Amendment agreed to.

(3.27.) Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. SEXTON: Following on my statement, I now beg to move the in-

sertion of the words "excluding model schools," in line 3.

Amendment proposed, in Clause 3, page 3, line 3, after the word "schools" to insert the words "excluding model schools."—(*Mr. Sexton.*)

*(3.28.) MR. A. J. BALFOUR: I am rather disposed to think the words are not necessary, but I admit their principle. I agree that these schools which are supported by the Central Board in Dublin and by fees ought not to benefit by money which is intended to be applied in relief of local taxation. I have, therefore, no objection to the Amendment.

(3.29.) SIR G. CAMPBELL: Is the effect of this to grant public money to the aid of purely denominational schools? Is it so or not?

*MR. A. J. BALFOUR: No.

MR. SEXTON: These schools are attended almost wholly by children of one particular creed, and the effect of the Amendment is to take such schools out of the distribution of this money.

Amendment agreed to.

Consequential Amendments,—(*Mr. Sexton,*)—agreed to.

(3.32.) MR. SEXTON: The only other Amendment is this: I understand the right hon. Gentleman to say that if in a contributory Union the amount of money paid by the Guardians is less than the amount which would come to that Union under the Bill, the balance of the money will go to the teachers of the Union. In other words, that the teachers in such a Union should not be worse off than if the Union were non-contributory.

*(3.33.) MR. A. J. BALFOUR: I am obliged to the hon. Member for calling attention to this matter. I think I made a slight error when I spoke before in Committee. I was under the impression that under the Act of 1875 it was possible for the Union to make a partial and not a full payment. I have referred to the Act, and I find that they must either be wholly contributory or wholly non-contributory. If every Union under the Act of 1875 were to contribute, their contributions would amount to £114,000 or £118,000. The actual amount proposed to be contributed is £78,000. We do not propose under this Bill that the contributions by the State should ever exceed the amount that might be contributed by the Unions under the Act of 1875. As the hon. Member knows, that part of the salaries of the teachers which comes from results fees is divided into three parts. One-third comes absolutely from the Treasury, while the second third is contributed by the Treasury on condition that the third third is contributed by the locality. We propose that the local contributions shall be supplemented out of the £78,000. Supposing the total amount is £300: of that £100 would in any case be given by the Treasury; the second £100 is contingent upon the third third, contributed by the locality. The third third will not be provided wholly in any case from the £78,000. I presume that two-thirds or three-quarters of that third £100 will so be contributed. If the third third thus supplemented should in any case exceed the £100, which is, I think, practically impossible, then it will have to go to the general ratepayer.

(3.38.) MR. SEXTON: It is understood that the money available under this Act will be given in any Union, whether contributory or not, and so far as may be necessary to fill up the local contributions to entitle the Union to the third £100.

COLONEL NOLAN (Galway, N.): Will the state of the law be exactly the same with regard to school pence?

*MR. A. J. BALFOUR: This clause does not touch the question of free education in Ireland, and we do not propose to deal with the larger question.

MR. SEXTON: I may infer from what the right hon. Gentleman has said that when this Bill becomes an Act the teachers in a contributory Union in Ireland will in no case be in a worse position than if the Union were non-contributory.

*MR. A. J. BALFOUR: That is so.

(3.40.) MR. E. HARRINGTON (Kerry, W.): As I understand the Bill, it does not in the slightest way affect the existing regulations with regard to rates. It would be well for parents to know that the teachers get no more under this

Bill than they now obtain. It should be further understood that the improvement of the *status* and position of the teacher is dependent on contingent results, and that it in no way affects the obligations of the parents to pay their children's school fees.

MR. A. J. BALFOUR: Yes, that is so.

COLONEL NOLAN: Mr. Courtney——

THE CHAIRMAN: Order, order! The hon. Member has spoken. There is no Amendment moved.

Amendment proposed, in Clause 3, page 3, after line 28, to insert—

"(ii.) The residue of such share shall, until Parliament otherwise determines, be paid to the Intermediate Education Board for Ireland, and be distributed and applied by them amongst schools to which the provisions of "The Intermediate Education (Ireland) Act, 1878," apply, for both or either of the purposes following, but for no other purposes, namely:—

(a.) for the payment of prizes and exhibitions, and the giving of certificates to students; and

(b.) for the payment to managers of schools complying with the conditions prescribed under the said Act, of fees dependent on the results of public examinations of students;

according to a scheme to be settled by the said Board with the approval of the Lord Lieutenant and the Treasury."--(*Mr. Chancellor of the Exchequer.*)

(3.42.) MR. SEXTON: We quite approve of the appropriation of the sum for these purposes. The first is primary education, and the Bill determines that the money shall be applied in that way in any financial year. But in the Amendment just moved, the Chancellor of the Exchequer inserts the words—"until Parliament otherwise determines." Surely every enactment only holds until Parliament otherwise determines. I am entirely at a loss to understand what is in the mind of the Chancellor of the Exchequer, because the governing words of the clause relates to any financial year. I move that the words be omitted, and I would further suggest that the Sub-sections (a) (b) should be reversed, inasmuch as (b) refers to the more urgent and important matter of the two.

Question put, "That these words stand part of the proposed Amendment."

Mr. E. Harrington

*MR. A. J. BALFOUR: With regard to the Amendment of the hon. Member, I would point out that these words are already in the Scotch and English parts of the Bill. Clearly, we could not leave out of the Irish part of the Bill what is already in the other parts. With regard to the order of the two sub-sections, I believe it will be in the power of the Education Board to apply the money to either or both these purposes, but I rather think the second purpose is the more important of the two, and I have no objection whatever to adopt the suggestion.

SIR G. CAMPBELL: We had an explanation from the Chancellor of the Exchequer on the Scotch part of the Bill that these words, "until Parliament otherwise determines," was to give a flavour of uncertainty. It was a sort of warning that this money could not be taken for some other purpose. I think the words of the Chancellor of the Exchequer are entirely applicable to Ireland.

(3.45.) MR. S. STOREY (Sunderland): I am very glad that this point has been raised a second time by an Irish Member, because I am hopeful that the Chancellor of the Exchequer and the Government may give to the Irish what it would not yield to the English. The only reason which the Chief Secretary gave for retaining the words was that the Bill would be made more symmetrical. But that which is wrong may be symmetrical as well as that which is right. The Chief Secretary is wrong in supposing that these words as applied to Scotland relate to the same thing when applied to Ireland. In regard to Scotland, they relate to the residue which is to be applied to the payment for extinguishing pleuro-pneumonia and the cost of Medical Officers and Sanitary Inspectors. These uses of the money may be, and probably are, temporary in their nature. How does the case stand when you come to Ireland? The proposal is, that this money shall be given for primary and intermediate education; but, so far as intermediate education is concerned, the money shall only be paid so long as Parliament shall determine. Does not the House know that when once money has been granted for either primary or inter-

mediate education there is no chance of Parliament altering its mind for the future? There is no reasonable chance that this money will be temporarily applied to the purpose of intermediate education and, if it is to be permanent, where is the sense of inserting these words? If the law is altered, the words are superfluous; if they are not altered, they are none the less superfluous. The Chief Secretary has often exhibited on that Bench great common sense in his treatment of matters; and I submit to him that, unless he can answer my argument that the use of the money is necessarily to be perpetual, there is no necessity for the insertion of these words, and that he ought to agree to the Amendment of the hon. Member.

(3.48.) COLONEL NOLAN: I would only observe that these words ought to be left out, for this reason: This £78,000 comes out of the tax on Irish industry, so that we are paying large sums into the Exchequer and only getting back £78,000. Now, the Whisky Tax goes on, and this £78,000 may be withdrawn. I think these words should be struck out.

(3.49.) MR. SEXTON: You are dealing with one tax, and, if you withdraw the sum applied to this purpose, you will have the whole of the money, though the Bill says it shall be applied to primary education in any financial year. I say that if you continue the tax, you cannot propose to deal with the £40,000 without opening up the question of the £78,000. I submit that the governing words in any financial year ought to be allowed to apply, without qualification, to both sums.

(3.50.) MR. GOSCHEN: The argument of the hon. Member would be perfectly correct if we proposed to deal with the 6d. tax. But a distinction has been drawn not only in the case of Ireland, but will be drawn in the case of England, as regards the money which has been set free by the abandonment of the licences clauses, which money was devoted to the other purposes included in the Bill. The Government desire to keep their hands free as regards the former. I would further point out that it is not absolutely certain that all these purposes will be certain to be met, even if the tax of 6d. is maintained. Therefore, we have introduced the principle of a residue, and to that residue we do not give the same permanent character as to the remainder. It is highly possible and probable that this sum of money will be so well and usefully spent in Ireland that even if it is not continued according to the provisions of this Bill, it might be desired to continue it from another source. Therefore, I do not wish it to be understood that this contribution to intermediate education would necessarily fall through even if the tax were reduced.

(3.53.) MR. T. W. RUSSELL (Tyrone, S.): The hon. Gentleman said that the object of the Chancellor of the Exchequer was to introduce a flavour of uncertainty. We do not want this flavour of uncertainty.

*MR. GOSCHEN: There is no uncertainty about the £78,000.

MR. T. W. RUSSELL: I think there is as much damage done by the uncertainty to intermediate education as to primary education. I hope the hon. Gentleman will press his Amendment.

MR. SEXTON: No one has any doubt that the tax of 6d. will yield a sufficient sum, and, therefore, that argument is disposed of. With regard to the £40,000, I would again point out that the omission of the words would not limit the power of the Chancellor of the Exchequer to deal with the money either by the abolition of this grant or by the transfer of the charge to any other tax. If these words are retained they will cause a feeling of uneasiness. I trust that the right hon. Gentleman will not mar the feeling of unanimity which exists on this question, a feeling too seldom experienced on Irish affairs in this House. I would respectfully urge on the Chancellor of the Exchequer and on the Chief Secretary, who has shown some disposition to meet us in this matter, to allow both sums to stand on the same level.

COLONEL NOLAN: I would like to point out that if these words are left in anyone who preached against intemper-

ance would injure intermediate education. You put the Irish people in this absurd predicament: You say, "The more whisky you drink the better education you will get." If the Irish people do not keep on drinking whisky then their intermediate education will fall through.

(3.57.) MR. E. HARRINGTON: I am surprised that the Chancellor of the Exchequer does not accept the Amendment of my hon. Friend. The words proposed to be left in introduce a degree of uncertainty which would have a bad effect. These words will be an indication of uncertainty which will have a moral effect, and I think an unanswerable argument is adduced when it is said that the allocation of this money to intermediate education in Ireland is conditional upon our drinking a certain amount of whisky in Ireland. It is not fair to throw that onerous and important duty upon us; and if the Government persist, in the event of their being a scarcity of funds, we should, of course, have to appeal to the hon. Member for South Tyrone and his friends to assist us in earning the money. We have had no reason given for the words, "Until Parliament otherwise determines." Why, Sir, the Union was agreed to "until Parliament otherwise determines," and that is the case with all fundamental Acts. Do you mean to say with reference to this £40,000 and £78,000 that one sum shall appear in the Appropriation and Continuance Acts and the other shall not? I hold that these words we wish to strike out are words of menace and a warning to intermediate education in Ireland, and that they will damage the very interest that the £40,000 is given to support. I think we have now put this matter very clearly before the Government. If the Government challenge a Division on these words, which they cannot defend, on them must depend the onus of protracting the discussion.

(4.3.) MR. FLYNN (Cork, N.): There seem to me very strong reasons why an element of uncertainty should not be imported into this matter. There is no fact better known in Ireland than that the valuable system of intermediate education which was gradually growing up there has been sadly interfered with through the money grant having decreased from year to year and there having been insufficient funds to enable the schools to be kept in a state of inefficiency. I know an Order of brothers that has been losing large sums of money in the attempt to fit its pupils for intermediate education. I had an Amendment on the Paper with the object of giving the Order some share of this money; but as the Government have devoted it to intermediate education, I did not propose to persevere with the Amendment, or to try and fit it in with the new state of circumstances. I assumed that this would be a definite and permanent contribution. The Christian Brothers have lately had to consider whether it will not be necessary for them to close some of their schools and send some of their members away to the colonies or the Continent. The efficiency of the education they give has been attested by Royal Commission after Royal Commission; their pupils take many prizes, and it would be very regrettable if, through the admission of this element of uncertainty, they should be prevented from carrying on their useful work. If at some future time the Government desire to devote this particular £40,000 to some other purpose, it can be done, I apprehend, by some short Bill.

*(4.6.) MR. GOSCHEN: I would make an appeal to hon. Members opposite to be considerate in this matter. We have largely met their wishes in regard to the application of this money. We insisted on the retention of the words in the case of Scotland, and were supported in that by a majority of the Committee and if we omit the words in the case of Ireland, it will have a special signification and destroy the interpretation we have adopted in the case of Scotland. If the application of the money to intermediate education is found to have a beneficial effect in Ireland, even if it should be necessary to cut off this specific source of supply, it would be the duty of the Government to continue the grant. It is to be remembered that this is not merely an endowment, but an endowment from one particular source; and though it may be found expedient to continue the endowment, it may be right to obtain

the money from some other source. It may be found expedient to continue the extra 6d. on whisky, or it may be found insufficient for the purpose. Do hon. Members from Ireland desire that this tax of 6d. on whisky should be permanent?

COLONEL NOLAN: No; but that the money should be permanent.

*MR. GOSCHEN: The question is merely one of the grant of a certain sum of money from a certain source. We are not granting it out of the Consolidated Fund, but from a particular source; and my case is, that the application of the money from that particular source to this specific purpose may be open to doubt, whilst it may not be open to doubt that the purpose should be continued.

(4.10.) MR. SEXTON: The declaration of the Chancellor of the Exchequer is very important, and no doubt it goes far to meet the necessities of the case. Of course, we shall be glad to see an excessive and unjust tax lessened, if the useful object for which it is imposed can be otherwise attained. I understand that if this subvention is usefully applied, and if the source is abolished or proved to be insufficient, the Government will see that it is provided from another source. But I would suggest that the object the Government has in view in introducing the words "until Parliament otherwise determines" would be better accomplished by using the word "unless" instead of "until," because "until" appears to imply that Parliament will otherwise determine.

(4.12.) MR. T. W. RUSSELL: It is a dexterous speech we have just heard from the Chancellor of the Exchequer, but I am not to be frightened and bought off by this declaration of the right hon. Gentleman as to the continuance of the Whisky Tax, as hon. Members below the Gangway appear to be. There are some of us who would not object if the Whisky Tax were even higher than it is. My objection to the clause is that Parliament is saying to the Board of Intermediate Education, "There is a donation of so much a year, but you are not to count it an annual subscription." The Intermediate Education Board cannot take effective action on such an understanding. If they are not sure of the money they can do nothing. If they go on the hypothesis that the money will be paid, they may get into difficulties. These words have no value whatever from the standpoint of the Chancellor of the Exchequer.

(4.14.) MR. SEXTON: The prejudices of the hon. Member entirely blind him in this matter. We have an objection to the Whisky Tax, because we think that Ireland already contributes twice as much as she ought to the Imperial Exchequer, and we also think that if the tax is increased, the money obtained should be applied to some useful purpose.

MR. T. W. RUSSELL: My answer to that is that the tax is paid by the consumer, and not by the distiller.

(4.15.) MR. J. O'CONNOR (Tipperary, S.): I repudiate entirely the suggestion made by the hon. Member for South Tyrone. We do not object to any Irish commodity being made available for taxation for the purpose of education, but what we want to be assured of is that, if this tax is taken off at some future time, it will have no prejudicial effect on intermediate education. The right hon. Gentleman has not given us a positive assurance.

*MR. GOSCHEN: Let there be no misunderstanding on the point. I thought I had expressed myself clearly. I stated what the general policy would be, and I thought I had generally satisfied hon. Members of the fairness of my position, but I gave no positive assurance, nor could such a positive pledge be given. I do trust hon. Members from Ireland will now allow this matter to be brought to a conclusion. I am sure I have endeavoured to meet them as fairly as possible.

(4.16.) MR. J. O'CONNOR: I have no desire to press the right hon. Gentleman unduly in the matter, but there is the point respecting the acceptance of the word "unless," instead of the word "until." If, in the future, this money should fail through any alteration in the incidence of taxation, we would undoubtedly be quite willing that the tax should be increased still further, if necessary, in order to keep the fund for the purposes to which it is to be applied. The question of intermediate education is one that cannot be left in a state of uncertainty in Ireland. The Irish nation is an emigrating nation.

Up to the passing of the Intermediate Education Act the Irish emigrants were very badly equipped indeed for the purposes of emigration. Under that Act they have acquired some technical education, which enables them to meet in competition with the emigrants from other countries—such as Italy, and Germany, and France. As the clause stands, it leaves in a state of uncertainty the question whether the money set aside for the purpose of encouraging education will continue to be devoted to that purpose.

(4.18.) MR. SEXTON: I am unwilling to prolong the discussion. The Chancellor of the Exchequer has not denied that the word "until" colours the situation. It points to a time when Parliament will determine in a sense contrary to that now decided on.

*(4.19.) MR. GOSCHEN: I think the hon. Member will feel it is highly probable that if we give way on this small point we shall have to move an Amendment with reference to the clause respecting Scotland. ["No, no!"] Well, then I will agree to substitute "unless" for "until."

Amendment, by leave, withdrawn.

Amendment proposed, To leave out "until" and insert "unless."—(*Mr. Sexton.*)

Question, "That the word 'until' stand part of the Question," put, and negatived.

Question proposed, "That 'unless' be there inserted."

(4.20.) MR. STOREY: I frankly say I shall not take the trouble to move other Amendments. We have discussed for a long time, both yesterday and to-day, words that are absolutely useless in any Act of Parliament, and what is the outcome of the situation?

THE CHAIRMAN: Order, order! The Amendment now is that the word "unless" be inserted in the clause.

(4.22.) MR. STOREY: I was going to say that the insertion of the word "unless" is entirely unprecedented in the history of Parliament. The clause will provide that this money will be expended in a certain way "unless Parliament otherwise determines." Well, Sir, every Act of Parliament passed is subject to Parliament otherwise determining. The words are entirely useless.

Question put, and agreed to.

Question proposed, "That Clause 3, as amended, stand part of the Bill."

(4.24.) SIR G. CAMPBELL: The Chancellor of the Exchequer seemed to indicate that the Bill gave to Scotland more than to any other part of the Kingdom. The Bill gives to Scotland £40,000 for education, with the distinct proviso that it should not be applied to anything but compulsory elementary education. The clause now passed, or about to be passed, gives Ireland £78,000 for elementary education, and a further sum for higher education, assistance in regard to which is denied to Scotland. The Chancellor of the Exchequer may say that Scotland receives assistance by another measure. No doubt she gets something from the Probate Duties, but Ireland gets three or four times as much.

(4.26.) MR. T. W. RUSSELL: There are three or four Amendments on the Paper affecting model schools, and I hope the Government will inquire into them before the Report stage.

*MR. A. J. BALFOUR: No doubt that will be done.

Question put, and agreed to.

Clause 4.

(4.27.) MR. STOREY: This clause deals with superannuation in England and Scotland, and I now propose to deal with the English question. I now propose a small Amendment which, with consequential Amendments, will materially modify the clause. At present, it provides that of the £300,000, which are to be given for the superannuation of the police, £150,000 shall go to the Metropolitan district of London, and the other £150,000 be distributed in certain proportions over the rest of England and Wales. My Amendment goes to that point, and that point only. I allege that that is an unjust and unequal distribution of the money, and I propose a plan by which the money will be distributed in equitable proportions. The clause, if amended as I propose, will run—

"The annual sum applicable under this Act for Police Superannuation in England shall be

distributed among the Police Authorities for the Police Forces in England in a proportion equal to that which the number of the police in the Metropolitan Police District bears to the number of the police forces in the whole of England."

If that is adopted, London, instead of getting £150,000, will receive her fair share and no more, according to her size, population, and rateable value, and the number of her police as compared with the number of the police forces of the country. Now, I understand that this proposal of mine is likely to meet with some opposition, not only from Conservative Members representing London, but also from Liberal and Radical Members who represent Metropolitan constituencies. I cannot imagine that anyone should for a moment wish to give London anything more than her fair share. I would scorn to ask for my own borough anything more than it is fairly entitled to. I want the Home Secretary to tell us why London is to have half the money that is to be allocated to England and Wales. At the extremest calculation, London has a population of, say, 5,000,000, and at the most modest computation the population of England and Wales is 25,000,000. Therefore, on the ground of population London would be entitled to only one-fifth of the money. With regard to the rateable value of London, it is very much inferior to one-half the rateable value of the country. But the great test I would apply is the amount which London contributes towards the sum we are obtaining. As the whole world knows, that sum has to be got out of drink. I do not think the London people drink any more than people in other parts of the country. If that be so, London does not contribute more in proportion than the rest of the Kingdom contributes towards this sum. I should say London does not contribute one quarter of the sum. On what ground, then, can London be entitled to receive one-half? I come now to a still better test. I should say this money ought to be distributed according to the size of the police forces in the different districts. Such a distribution must be in favour of London, and not against it. The peculiar circumstances of London are such that we may assume the Metropolis has a larger number of policemen than an equal population elsewhere. This supposition is certainly borne out by facts. The Junior Member for Derby (Mr. T. Roe) had an Amendment down to the Bill, and I understand he put it down in concert with the Association of Municipal Corporations. But he tells me to-day that he understands that Association is satisfied by some arguments or explanations which the Home Secretary has given, and he does not intend to press that Amendment. I am astounded to hear this. I must venture to differentiate between the Municipal Corporations and the limited number of gentlemen who have presumed in this matter, at this late period of the day, to speak for the Municipal Corporations. Speaking for my own borough, I venture to say that we have no part or lot in any agreement; but, on the contrary, our County Council, with the fullest knowledge of the Bill, and after the suggestions of the right hon. Gentleman, have petitioned against the measure, which they regard as mischievous, and in part as useless. I think the Home Secretary will not contend that on any of the four bases I laid down London is entitled to anything like one-half of this money. What is the argument he has addressed to the gentlemen I have spoken of to induce them to give way? I understand that London, in consequence of having a greater number of pensioners, and a probable demand for a greater number still, really needed more money than other parts of the country. I admit London has a great many pensioners, and is likely to have a great many more. I imagine that if the ratepayers could measure what this Superannuation Bill will involve them in, they would give it as wide a berth as a sailing ship does a steamer at sea. The number of the Metropolitan policemen at the present moment is between 14,000 and 15,000. The Police Forces of England and Wales together, including the Metropolitan Police, amount to 38,000. Therefore, the forces outside the Metropolis number 24,000. The Government contend that the 14,000 Metropolitan Police should have an exactly equal amount of the public funds for the purpose of superannuation with the 24,000 outside the Metropolitan area. I submit that, on the face of it, this is an unjust and unfair proposition, which cannot be defended in argument. I believe I am right in saying

that at present the deficiency in London approaches nearly to £200,000, while the number of pensioned persons is 4,000, or a little more. In the rest of England and Wales the number of pensioned persons is 3,500, or a little more. To this extent, therefore, the right hon. Gentleman has some reason on his side. The total amount of pensions paid last year for police in England and Wales, including the Metropolis, was £370,000, and of this £200,000 went to the Metropolitan Police. Again, I freely admit that, on the facts as they stand, the right hon. Gentleman has some reason on his side, but I say we have no right to settle this matter on the basis of the existing state of things. The right hon. Gentleman ought to project his mind forward a few years, and see, when an efficient and complete system of superannuation is carried out throughout the whole of the country, what will be the relative proportion between London and the rest of England and Wales. I will take £400,000 as the probable cost of superannuation in the Metropolis within a very limited time. According to the scheme of this Bill superannuation is to be on the same level and to grow in the same way throughout the country, and I estimate that the cost of superannuation outside the Metropolitan area in the same period will be £700,000 a year. That means a total of at least £1,000,000. Well, in the portion of the country where superannuation costs £400,000 a year the Government contribution will be £150,000, while in the rest of the country where the cost will be £700,000 a year the Government contribution will also be £150,000. I put it to the right hon. Gentleman, this is not just. My view is that he should take the police forces of the country and divide his £300,000 equitably amongst them according to their numbers, on the principle that their numbers are the test of the necessities of their districts. As things now are, I admit, the right hon. Gentleman's scheme does not appear so very equitable. In the County of Durham, which has 550 policemen and 57 pensioners, to whom it pays £3,300 a year, the amount obtained from the Government will be £3,000. Northumberland has 200 policemen and 28 pensioners; it pays £1,500 a year in pensions, and will get £1,200. Newcastle-on-Tyne has 270 police and 25 pensioners; it pays £1,360 in pensions, and is to get £1,400 a year. Sunderland has 134 policemen and 25 pensioners; it pays £1,100 a year in pensions, and is to get £1,000 a year. All this does not appear so bad, but I say the right hon. Gentleman has no right to take the present state of affairs. Looking forward for a brief period, I find that Durham will have to pay £15,000 a year for pensions, while it will still continue to get a contribution of only £3,000. The same result is exhibited in the other cases. For instance, Sunderland, with 134 policemen, will within a very brief period be paying £4,000 for pensions, and receiving only £1,000. As far as we are concerned, we do not want the right hon. Gentleman's money, nor his control. We want to be left alone after the good old fashion of municipalities; but, if he will devote this money to the purpose in hand, he has no business to give an unfair share to the Metropolis. If the right hon. Gentleman is determined to divide this money, he has no right to give the Metropolis more than its fair share. On these grounds I intend to move the first of the Amendments which stand in my name, with a view of afterwards moving that the money shall be divided *pro ratâ* among the police forces of the country.

Amendment proposed, in page 3, line 33, to leave out the words "out of."—(*Mr. Storey.*)

Question proposed, "That the words 'out of' stand part of the Clause."

(5.11.) THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): Although the object of the hon. Gentleman's Amendment is to distribute the sum available according to the numbers of the various police forces, he has pretty well admitted that that is not a proper or equitable mode of distribution. The numbers of the police stand in no fixed or regular proportion to the superannuation charge. That charge depends not on the aggregate number of men in the force, but on the number of pensionable men—men who have served 15 years. It is true, as stated by the hon. Member, that in 1888-89, the Metropolitan Police Force numbered only a little over 14,000

men; since then, it has been augmented by a thousand men. None of those men could become chargeable upon the superannuation fund for at least 15 years, yet the hon. Member would allow the Metropolitan Police to draw pension contributions on account of those men during all those 15 years. That shows that the hon. Member's principle of distribution is not and cannot be a fair one. Take the case of a new borough just starting a police force of its own with 400 or 500 men; it would be obviously unfair to put it on the same footing with an old borough having a force of about the same strength, in which a large proportion of the men have reached the pensionable age and period of service, and who are coming on to the fund from time to time for a pension. Distribution according to numbers is obviously unfair and improper, and the only equitable mode of distribution is according to the actual figures of the pension charge. The numbers of the police were, in the Metropolis about 14,000, and in the provinces 23,000 in 1888-9; but the pension charges for the same year were, in the provinces (including the City of London, which is now excluded from the Bill) £177,000, and in the Metropolis £193,000. If the money were distributed according to the latter figures, the Metropolis would get more than is given to it by the Bill. But, says the hon. Member, "You must project your mind into the future; this system of distribution is to be for all time. You must not only fix the proportion in a way which is fair at present, but in a way which will be fair in the future also." That is making a very large call upon the ingenuity of any draftsman. If we do project our minds into the future, is there not a prospect that the increase in the Metropolis charge will be as rapid and as considerable as that in the provinces. I have, however, made what inquiries I could, and have laid on the Table actuarial calculations as to the probable future pension charge in the Metropolis. The figures run up to £520,000 or £530,000. I do not know where the hon. Member got his estimate of the probable future charge in the provinces. I have no figures myself, but general considerations induce me to think that the growth of the pension charge in the provinces will be neither so great nor so rapid as in the Metropolis. In the Metropolis the scale will be the maximum, while in the provinces it will probably be something below that. The amount paid to pensionable men will, therefore, not be so large. We know by actual experience that in the provinces there are various ways by which superannuation charges may be avoided, but which cannot be adopted in the Metropolis.

MR. STOREY: But your Bill will prevent that.

MR. MATTHEWS: The Bill no doubt gives the right to a police constable to a pension, but constables in the provinces often prefer after 25 years' service to stay in the force and draw their pay rather than retire on pension, while experience shows that is not so in the Metropolis. That practice, which is of constant occurrence in boroughs and in the provinces generally, will tend to diminish the number of men on the pension charge. The distribution in the Bill is more than justified by existing facts, and, so far as I am able to form a judgment, will continue to be so for the next 30 or 40 years. If the time should arrive when the distribution becomes unfair, it can then be re-considered. I know of no reason why the growth of the pension charge in the provinces should be greater than in the Metropolis, except in the case of a few small boroughs which have systematically avoided pensions in the past.

Question put, and negatived.

(5.16.) MR. STOREY: I did not press the last Amendment to a Division, but I propose to divide the House on the next one which proposes to substitute £120,000 for £150,000.

Amendment proposed, in page 3, line 24, to leave out "50," and insert "20," —(*Mr. Storey,*)—instead thereof.

Question put, "That '50' stand part of the Clause."

(5.20.) The Committee divided:—Ayes 175; Noes 104.—(Div. List, No. 215.)

(5.28.) MR. STOREY: I now beg to move to insert after the words "shall be paid" the words "for one year," so as to fix the contribution for London for one year only. I do so in order to enable the Committee to see in its naked entirety what we are being committed to. The Home Secretary, when I invited him to

project himself into the future, said he was unable to accomplish that acrobatic feat. The last thing I should think of asking the right hon. Gentleman to do would be to perform an acrobatic feat, but I should like to point out that he did not contend, neither can he contend, that when full effect is given to this scheme——

It being half past Five of the clock, the Chairman left the Chair to make his report to the House.

Committee report Progress; to sit again To-morrow.

PUBLIC HEALTH ACTS AMENDMENT BILL.—(No. 290.)

Order read for consideration of Bill, as amended.

MR. J. R. KELLY (Camberwell, N.): I object.

*MR. CHANNING (Northampton): May I ask the President of the Local Government Board whether, seeing this Bill is warmly supported on both sides of the House, he will arrange to take the Bill when it cannot be defeated by an individual objector?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): The Government attach so much importance to this measure that they intend to take such steps as will insure its passing. I am surprised that my hon. Friend the Member for North Camberwell, looking at the universal acceptance of the Bill, does not allow it to proceed, seeing that it is only half-past five.

Amendment, as amended, deferred till to-morrow.

RULES PUBLICATION BILL.—(No. 299.)

Order for Committee read, and discharged.

Bill withdrawn.

MAINTENANCE OF DESTITUTE PARENTS BILL.—(No. 128.)

Order for Second Reading read, and discharged.

Bill withdrawn.

PUBLIC WORKS LOANS ACT.

Return ordered—

"Showing the names and addresses of tenants to whom loans have been advanced by Government under the Landed Property Improvement (Ireland) Act, and the Acts amending and extending the same, who have been evicted, the amount of the loan in each case, the amount repaid by the tenant, the names and addresses of the landlords who have become liable to pay any portion of such loans under 'The Public Works Loans Act, 1839,' the liability in each case, and the steps taken to recover the amount."—(*Mr. T. M. Healy.*)

WOODS AND FORESTS AND LAND REVENUES OF THE CROWN.

Report from Select Committee, with Minutes of Evidence, brought up, and read.

Report to lie upon the Table, and to be printed. [No. 333.]

MERCHANDISE MARKS ACT, 1887.

Report, with Minutes of Evidence, brought up, and read.

Report to lie upon the Table, and to be printed. [No. 334.]

RATING AND VALUATION (SCOTLAND).

Power to the Select Committee to Report Observations.

Report brought up, and read.

Report to lie upon the Table, and to be printed. [No. 335.]

Minutes of Proceedings to be printed. [No. 335.]

MOTION.

EXPIRING LAWS CONTINUANCE BILL.

On Motion of Mr. Jackson, Bill to continue various Expiring Laws, ordered to be brought in by Mr. Jackson and Mr. Chancellor of the Exchequer.

Bill presented, and read first time. [Bill 403.]

BUSINESS OF THE HOUSE.

On the Motion for Adjournment:—

(5.38.) MR. H. H. FOWLER (Wolverhampton, E.): Supposing the Local Taxation Bill passes through Committee to-morrow, when is it proposed to take the Report stage?

*MR. GOSCHEN: In the event of the Local Taxation Bill passing through Committee to-morrow the Report stage will be taken on Friday, if hon. Members do not raise any objection on the ground of the re-printing of the Bill.

House adjourned at twenty minutes before Six o'clock

HOUSE OF LORDS,

Thursday, 31st July, 1890.

BANKRUPTCY BILL.—(No. 188.)

Reported from the Standing Committee for Bills relating to Law, &c., with Amendments: The Report thereof received; Bill re-committed to a Committee of the Whole House on Monday next; and to be printed as amended. (No. 237.)

CHILDREN'S LIFE INSURANCE BILL. (No. 97.)

Message from the Commons for Report, &c., of the Select Committee of this House: Ordered to be communicated accordingly.

METROPOLITAN HOSPITALS, &c.

Report from the Select Committee (with the Proceedings of the Committee and Appendix), made and to be printed (No. 238): Minutes of Evidence laid upon the Table, and to be delivered out.

TENANTS COMPENSATION BILL.

Brought from the Commons; Read 1ª; to be printed; and to be read 2ª To-morrow: (*The Lord Harlech.*) (No. 240.)

LOCAL GOVERNMENT PROVISIONAL ORDERS BILLS.

*THE EARL OF LIMERICK: My Lords, my noble Friend the Earl of Jersey, who is unable to be present, has requested me to move the Resolution which stands in his name. I am, of course, not so well acquainted as my noble Friend with the circumstances which have conduced to the late introduction of these Bills, and, therefore, I hope my noble Friend the Chairman of Committees is not prepared to oppose the Motion very strongly. The delay, I believe, is due to the exceptionally heavy nature of these Provisional Orders, of which there have been nine, coming on this year for the first time. They have had to be prepared concurrently with 58 other Provisional Orders of various sorts between March and the end of May, and consequently a great deal of work had to be done, and pressure has arisen in consequence. I hope that, as the circumstances are exceptional this year, my noble Friend will not object to the Motion which I make as regards these Bills which appears on the Notice Paper.

Moved,

"That the Sessional Order of the 10th of March last, 'That no Bill brought from the House of Commons confirming any Provisional Order or Provisional Certificate shall be read a second time after Friday the 27th day of June next,' be dispensed with, and that the Bills be read 2ª."—(*The Earl of Limerick.*)

THE EARL OF MORLEY: My Lords, I really think that the Public Offices have been rather later than usual this year in introducing the various matters which they had to bring before your Lordships. The present five Bills I think it is impossible for me to pass, and I think I should be neglecting my duty if I did so without saying a few words. As your Lordships are aware, a Sessional Order was made that no Bills should be received here after the 27th of June. These five Bills were introduced into the House of Commons, one on the 5th June, one on the 9th June, two on the 10th June, and one, the most important of all, on the 11th June. It was absolutely impossible for the three last-named Bills to have got through the House of Commons in time to have complied with the Sessional Order of your Lordships' House. All these Bills, with one exception, I think, refer to the subject of borough extension, and that is a class of business which has only recently been thrown on the Local Government Board. That is, I believe, the only excuse which can be offered for the lateness of these Bills coming to this House; but I would point out this, that it is not fair for the offices to throw the responsibility on your Lordships' House at the last moment of not passing the Bills. It is simply because there is not time to discuss them adequately. One of them I am told is now opposed, and at this time of the Session it is no easy matter to get a Committee to consider such an important matter, for instance, as the Manchester City Extension. I thought it right to say these few words to show that it is no mere red tapeism that induces me to oppose the introduction of Bills at so late a period, but because I do

not think at this time of the Session Bills, and especially opposed Bills, can be adequately and carefully considered. With those words I shall not oppose the Motion of my noble Friend, but I hope he will impress upon those whom he represents the importance of being earlier in the introduction of their Bills in other years.

On Question, agreed to.

STATUTE LAW REVISION (No. 2) BILL.—(No. 230.)

House in Committee (according to order): Bill reported without Amendment: Then Standing Order No. XXXIX. considered (according to order) and dispensed with: Bill read 3ª; Amendments made; Bill passed, and sent to the Commons.

COMPANIES [(WINDING UP)] BILL.—(No. 229.)

Amendments reported (according to order); and Bill to be read 3ª on Tuesday next.

PHYSICAL EDUCATION IN ELEMENTARY SCHOOLS BILL.—(No. 190.)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF MEATH: My Lords, having already addressed your Lordships twice at some length on the subject of the introduction of physical education into elementary schools, I do not intend to occupy your Lordships' time to-day by recapitulating any of the statistics which I brought forward upon the former occasions, or in going over the arguments which I then adduced in support of my proposal. A very interesting article has appeared in the *Fortnightly Review* lately upon the subject of physical education. I might, perhaps, be permitted to strengthen the argument which I brought forward on a former occasion by quoting to your Lordships here a few statistics which were brought forward in that *Review*. In this article which was written by Mr. Gattie in the *Fortnightly Review* of April, 1890, he says—

"That while the average weight of British recruits finally approved for Service is only 9 stone 0·2 pounds, their average height being 5 feet 5·8 inches; the German recruits examined by Dr. Fetzer, in 1877, with an average height of 5 feet 5·75 inches, had an average weight of no less than 10 stone 3·3 pounds."

That is to say, the German soldiers were heavier than the British soldiers by 1 stone 3 pounds. I know it is a very difficult thing to prove anything from such statistics as these, because there are a great number of circumstances which have to be considered. It is very difficult indeed to get all the circumstances alike, but in this same *Review* it goes on to say that a certain number of British soldiers were brought up to the Oxford Gymnasium for the purpose of seeing what physical difference would be made in them if they were put through a course of gymnastics. Mr. Maclaren, of the Oxford Gymnasium, has given some valuable statistics of the measurements and weights of this detachment of non-commissioned officers who were sent to him to be qualified as military gymnastics instructors.

"The men ranged in age from 19 to 28 years, in height from five feet five inches to five feet 11½ inches, and in weight from nine stone two pounds to 12 stone six pounds, so that various types were represented. After less than eight months' training, they were found to have gained, on the average, 10 pounds in weight, 2⅞ inches in girth of chest, ⅞ inch in the size of the fore-arm, and 1¼ inches in that of the upper arm, while there was in every case a slight increase of height."

A very curious circumstance happened in connection with that. Before the fourth month was out several of the men could not get into their jackets and tunics without assistance, and when they had got them on they could not make them meet down the middle by a hand's breadth. In another month they could not get into them at all, and were obliged to go to and from the gymnasium in their great-coats until new clothing could be procured. That, I think, is an extraordinary proof of the difference produced by gymnastic training of the human frame in a very short space of time. Now the Bill which I have introduced into your Lordships' House practically consists of one clause. The clause is as follows:—

"1. The school authority for every elementary school in any populous town shall make fit and proper provision to the satisfaction of the inspector for the instruction and practice of all scholars of both sexes in physical education and exercises connected therewith, and no school or department of a school shall receive the higher of the two principal grants under section one hundred and one of the new code of

regulations issued by the Education Department during the present Session of Parliament or under any other code for the time being in force, unless the requisition of this section be complied with to the satisfaction of the inspector as aforesaid."

That is to say, no school can receive the grant of 14s., unless physical education is carried out to the satisfaction of the Inspector. Your Lordships are aware that it is in the power of the Inspector to give a grant of either 12s. 6d. or 14s. Consequently it will be to the interest of each school that physical exercise shall be carried out. I desire to do this because at present, although a very great improvement has been brought about by the Government by the introduction of their new Education Code, it is still left to the discretion of the managers and of the School Boards to decide whether physical education shall be carried out or not, and there is no inducement to carry out this physical education because there is no money gained by it. Consequently, as a matter of fact, in those schools where there is not any very enlightened opinion upon the subject, or no very great desire to carry out physical instruction, it will be put in the back ground. By this clause there will be an inducement to the Local Authorities to permit physical education to be carried out. Your Lordships will notice that I have not in this Bill laid down any hard and fast rule as to what physical instruction is to be carried out, because I believe it is very much better that the school authorities should decide that question themselves, and that no particular system of gymnastics should be laid down by the central authorities as necessary. A society has been established within the last few years for the purpose of trying to get physical education brought into our elementary schools, and a meeting of this society was held not very long ago in which certain suggestions were made, and I think it may be of interest if I refer to them. It was suggested by this Physical Education Recreation Society that any system of education in which mental training is excessive, and bodily training neglected is injurious, not conducive to the health, strength, usefulness, and happiness of the people, and dangerous to the welfare and safety of the nation; that one half hour daily, if possible, after dinner or in the afternoon, should be devoted to bodily training; that the bodily training for boys under eight should consist of marching, either with or without music, and that the bodily training for boys over 11 should consist of marching, exercises with dumb bells, and so on; for the older boys there should be exercises on dumb bells, Indian clubs, horizontal and parallel bars with or without music; and that boys and girls should be taught swimming where practicable. I think that is a most important thing, and I hope Her Majesty's Government will see their way next year, at all events, to permit swimming to be included in the compulsory subjects. The Physical Education Recreation Society also suggested that the bodily training of girls should comprise marching and figure marching, exercises with dumb bells and light Indian clubs, either with or without music. They also suggest that children who are considered by medical men to be too weak should be exempted from the instruction. This is also, of course, important, because we know there are a certain number of children, especially in the poorer parts of the towns, who are so badly fed that it would be a cruelty to subject them to physical exercises. The next suggestion is very important; it is that the cost of gymnastic training should be paid one-half by the Government and the other half out of the rates. Then it is suggested that the exercises should take place in the open air in fine weather, and in bad weather within the schools, the desks and benches, where not fixed to the floor, being removed to the other end of the room. Now, a good deal has been said about the expense of this, and many who discussed this question were of opinion that it is not necessary to erect gymnasia; that the ordinary school-rooms are quite sufficient for the purpose of carrying out the exercises by the removal of desks and benches. It was also suggested that the measurements of chests, arms, and legs of those children who undergo physicial training should be registered annually, and that there should be proper teachers, who have been instructed in training colleges, to teach the children suitable exercises. In drawing up this Bill I have had the advantage of the advice of a gentleman who is at the head of the Physical Education Department of the

London School Board. Your Lordships will notice that this Bill does not apply to the country, it only applies to the towns having populations of over 15,000. I may mention that I have received letters congratulating me upon the introduction of this Bill, from both Chairman and Vice Chairman of the London School Board. The Chairman, in his letter to me, remarks—

"It is noticeable that the educational efficiency of the schools in other respects rapidly advanced concurrently with the increased attention paid to physical exercises."

That is an argument which I have, on former occasions, brought forward, and I am very glad to find that the Chairman of the London School Board corroborates what I have said upon that matter, that mental activity is increased in as great a proportion as physical training and exercises are introduced, if they are not too much prolonged in elementary schools. Of course, I know it is too late this year for this Bill to pass, but I bring it forward simply for the purpose of keeping this subject well before the public and well before your Lordships, and I hope that the Government will not be content with what they have already done in this direction. I thank them most heartily and sincerely for what they have done, but I hope they will go on and make our system of physical education still more perfect.

Moved, "That the Bill be now read 2ª."—(The Lord Chaworth [*E. Meath.*])

*THE SECRETARY OF STATE FOR INDIA (Viscount CROSS): My Lords, I have to apologise for the absence of my noble Friend the Lord President of the Council, who has been called away on public business, and, that being so, it falls upon me to answer the noble Lord who has just sat down. I do so with considerable pleasure, because I happened to preside over the Education Committee which sat for many years, and which thoroughly considered the interesting question now brought forward by the noble Earl. I heartily sympathise with the noble Earl in his desire to see the physical education of children in our Elementary Schools, and I certainly must remark that no one has done more in carrying on this good work than the noble Earl himself. While, however, I have very great pleasure in paying this tribute to the noble Earl, and in recognising his anxiety in the matter, as shown by the introduction of this Bill, I am afraid I shall have to ask him to consider one or two things, and eventually whether he will not consent to withdraw the Bill for this year, at all events. In the first place, at this late period of the Session, it is absolutely impossible that it should become law, though it was quite right it should be brought forward for discussion. I would also remind him that the Government have this year taken a large step in advance in this particular direction. In the Code they have introduced they have not only made provision that physical exercises may be taught, but that they may be taught during the consecutive hours of school instruction; and the result is that, although no grant is directly made for instruction in physical exercises, yet a grant is indirectly made, inasmuch as the physical training is given during the time of the average attendance on which the grant is calculated. So that I think the noble Lord will admit that the Government have gone a considerable way this year in the direction he desires us to go. There is one more consideration which I would press on the noble Earl's attention. If this Bill were carried a considerable expense would undoubtedly be thrown on all the schools, and I see no special provision in the Bill for meeting that expenditure. The result would be that if the Bill became law the School Boards would simply have to add a penny or a halfpenny to the rate in order to carry out its provisions, while the voluntary schools would be entirely left out in the cold. I do not think that would be fair to the voluntary schools, and while I deeply sympathise with the object the noble Earl has in view, I trust he will perceive that there are still difficulties to be dealt with before a Bill of this character can be passed. I will only add that I hope the noble Earl will be content with the great step which has been already made by the provision in the Code which I have mentioned, and that he will not press the Bill to a Second Reading.

*LORD NORTON: My Lords, I should like to say a few words before this Bill passes away. It is now a certainty that the Bill cannot be proceeded with this Session. Still, the introduction of the measure will more or less have an in-

fluence on what may pass on the subject next Session. After what has just fallen from the noble Viscount, I would ask the noble Earl to consider whether he might not make his proposal on a future occasion in a much more effective way. We all agree that physical education would be very useful in our elementary schools —much more useful, indeed, than some of the subjects now attempted but not really taught in them. But I cannot help thinking that to provide that no schools shall receive the higher grants unless they have gymnastic practice and apparatus is rather a strange way of putting it. It seems to me somewhat ludicrous to propose in an Act of Parliament that schools shall go without grants for specific subjects unless they have gymnastic apparatus. That seems to me to be a rather inconsequent proposition. The recommendation of the Royal Commission was generally that physical training should be part of the process of instruction in our elementary schools. That is a general proposition, and if we get out of the vicious principle of attaching grants to particular subjects, and give to every elementary school a sufficient subsidy from the Treasury to do its full work of all kinds, physical instruction might and would be introduced into every school. So long as we go on the principle of attaching grants to particular items of instruction such a proposition as this, that schools are to go without grants for special subjects unless they teach something totally different, is absurd. I hope that the noble Earl will re-introduce the Bill in a different form next Session, and will propose that sufficient subsidy being given to Elementary Schools for all purposes, physical instruction, as recommended by the Royal Commission, should invariably be one of the subjects introduced into such schools.

THE EARL OF MEATH: The noble Lord who answered me and the noble Lord who spoke afterwards have both fallen into this error: they both imagine that it is necessary to have apparatus in the schools in order to teach physical exercises. Now, the London School Board have instituted physical exercises to a very large extent, and although they have a certain amount of apparatus out of doors, they have not used that for the purpose of this instruction. The instruction is given in free exercises; what is called Swedish drill or musical drill, and is really much more effective for general purposes than any system carried out with apparatus. Consequently, the argument of the noble Lord (Viscount Cross) falls to the ground with regard to expense, because the whole of this work which has been carried out in London has been carried out almost entirely by a grant made by an Association with which I am connected, of £400. My Lords, I withdraw the Bill.

Bill (by leave of the House) withdrawn.

CUSTOMS CONSOLIDATION ACT, 1876, AMENDMENT BILL.—(No. 152.)

House in Committee (on Re-commitment) (according to order); Bill reported without further amendment; and to be read 3ª To-morrow.

SHREWSBURY AND HOLYHEAD ROAD (ANGLESEY AND CARNARVON) BILL. (No. 210.)

House in Committee (according to order); Bill reported without amendment; and to be read 3ª To-morrow.

ELEMENTARY EDUCATION (BLIND AND DEAF) BILL.—(No. 155.)

Amendment reported (according to order); and Bill to be read 3ª To-morrow.

HISTORICAL MANUSCRIPT COMMISSION—REPORTS.

QUESTION—OBSERVATIONS.

*THE MARQUESS OF HUNTLY, in rising to ask Her Majesty's Government whether the Reports of the Historical Manuscript Commissioners which are out of print can be re-printed; and, if so, whether orders will be given to have this done, said: My Lords, early this Session, your Lordships, on the Motion of my noble Friend who is not present this evening (Lord Beauchamp), passed a Resolution authorising an index to be made of the Reports of the Historical Manuscript Commissioners. A very great deal of interest, whether evoked by the noble Lord's question or not I do not know, has been taken in these documents, and it turns out that some of the

Reports published at an earlier date are out of print. I do not know whether this is to be attributed to the neglect of the Commissioners that they should have allowed valuable Government documents to go out of print or not, but I certainly cannot exonerate them from blame in the matter. These Reports become, of course, of great historical value, and are very much sought after in public libraries; and the extension of the Free Libraries Act has created a considerable demand for such papers for reference. The object of my question is to ascertain from Her Majesty's Government whether they will consent to have the Reports, I believe five in number, which are out of print, re-printed for the benefit of those who may apply for them. I should not think the expense would be very great, and certainly in dealing with matters of historical interest it would be of great advantage to have the whole series get-at-able, so that the public can procure them. I beg to ask the question which stands in my name.

*Lord DE RAMSEY: My Lords, in all there are 40 reports of the Historical MSS. Commissioners which have been issued, and of those, seven are practically out of print. The estimated cost of re-printing those Reports would be £120 each, or £840 in all. If 500 copies of each Report were printed and sold, in accordance with the ordinary practice as to Parliamentary Papers, at the original prices, the Stationery Office could only recover £560 of that amount, even in the highly improbable event of every copy being sold. As the re-printing of the Reports in question could not be carried out without loss to the Exchequer, the Government do not propose to sanction such re-printing.

NATIONAL COMPETITION OF SCHOOLS OF ART.

QUESTION—OBSERVATIONS.

Lord SANDHURST: In rising to call attention to the National Competition of Schools of Art under the Science and Art Department, and to ask the Lord President whether he can furnish any information as to the numbers entered for competition in each of the last five years, the different localities sending up competitors, and the comparative quality of the works submitted to the Examiners, said: My Lords, I have been anxiously waiting for the arrival of the noble Lord (Earl Spencer) in whose name this question appears on the paper, but as it was uncertain whether he would be able to attend to-day, he has asked me to put the question for him, in reference to Technical Education and the system now pursued. It is beyond doubt that the subject of technical education is one of extreme interest, and of great importance, and it is to that that many of our manufacturers look for success in the future in their competition with the manufacturers of other countries. In asking for information as to what opportunities are given to competitors, and what improvement there has been made in this direction, it is as well, perhaps, to examine a little into what has been done in this respect in the country already. Great efforts have been made during the last 30 years to this end. A great Central Museum and School of Art has been established, where every description and form of modelling is to be found, including a gallery of art, where every description of art can be studied. Facilities have also been given to different localities where the various art trades are followed. In addition to the normal school in London, opportunities have been given for obtaining certificates by intending teachers in art schools, which have been founded by the munificence of private individuals, or by the energy of Municipal Councils. The object of this question is to draw attention to an exhibition now being held at South Kensington, which includes exhibits from the provinces and towns throughout the country; for instance, exhibits from the large schools of Manchester, Glasgow, Birmingham, Leicester, and others, from which really very beautiful designs have come. It also includes, I may say, New South Wales, which is prominent for designs and architecture. In drawing attention to this exhibition, I should like to ask the noble Viscount whether, in the opinion of those who are best qualified to form an opinion, a real advance has been made; whether this exhibition may be looked upon as a satisfactory test; and also whether we are getting value for the money expended for this purpose?

*VISCOUNT CROSS: My Lords, in the absence of my noble Friend, the Lord President, I will give such information as he has received upon this point from the Science and Art Department. With your Lordships' permission, I will give a few figures, as they not very numerous. Up to 1887 all the works done in schools of art and art classes were sent to South Kensington for payment on results, and in that year the number of them reached 800,000, so it has been found necessary to exclude for the future those of a very slight or elementary nature, as it has become physically impossible to deal with that vast number in the limited space available in the existing buildings. Since then only works of the more finished or advanced kind have been sent up. At the time that restriction came into force the schools were receiving compensation in the way of payments on the third grade examinations held all over the country, which hitherto had been confined to South Kensington, and also a somewhat higher scale of payment for the advanced works and on the second grade examinations. The number of these more finished works has not increased, but the quality of them has improved, and the third grade examinations have also shown a steady advance. In the results of these latter, and in the works submitted in the national competition, the examiners saw a general improvement, and that was notably the case with exercises in designs for manufactures, especially in the large schools of Manchester, Glasgow, and Birmingham. where trades depending on decorative design are extensively carried on. It is much to be desired that those interested in art education, aided by the State, should carefully inspect the works now exhibited at South Kensington, and especially that those who criticise the working of the Department should make themselves acquainted with the kind of work which is encouraged by prizes and payments, and distinguish between it and the amateur or purely pictorial work which the schools are free to turn out, but do not get grants on. It was impossible to get Returns in time to answer the noble Lord's question fully, but, if the noble Lord wishes it, I will give the best figures available. In 1886 the number of works sent up from Schools of Art for Examination was 324,315; in 1887 the number was 364,986; in 1888, when elementary works ceased to be sent in, the number fell to 78,730; in 1889, however, the number rose to 139,314; and in 1890 the number was 135,651.

FLASHING SIGNALS—ADMIRAL COLOMB'S INVENTION.

*LORD SUDELEY: My Lords, I beg to move for the Return of which I have given notice.

Moved,

"For certain further official Correspondence relating to Admiral Colomb's system of flashing signals between the years 1861 and 1867, also since that date; to include the letter from the Treasury to the Amiralty offering to give Admiral Colomb £2,000, and Admiral Colomb's reply thereto."—(*Lord Sudeley.*)

LORD ELPHINSTONE: There is no objection to making this Return, but I must point out to my noble Friend that one of the Papers he asks for is not in existence. We have had no reply yet from Admiral Colomb, but if that reply is received in time, it will be printed with the other Papers.

*LORD SUDELEY: I hope my noble Friend will arrange with the Admiralty that, if necessary, the Return shall be delayed for a few days for the purpose of including Admiral Colomb's reply. The Treasury has taken one month in making their offer, and, therefore, it may take a little time for Admiral Colomb to forward his reply. It should, of course, be printed with the other Papers to make them complete.

LORD EPHINSTONE: I will put the noble Lord's request before the Admiralty; I cannot say anything more.

On Question agreed to; Return ordered to be laid before the House.

House adjourned at ten minutes past Five o'clock, till To-morrow, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 31st July, 1890.

QUESTIONS.

CATTLE IMPORTED FROM TRANS-ATLANTIC PORTS.

MR. HOWELL (Bethnal Green, N.E.): I beg to ask the President of the Board of Agriculture whether his attention has been called to the cruelties which attend the importation of live cattle into this country from transatlantic ports, and to the dangers to merchant seamen in connection therewith; whether his Department has evidence to show that the prohibition of the shipment to this country of live cattle for food would necessarily raise the price of meat to the consumer, seeing that the cattle now so shipped could also be shipped as dead meat; and, if so, to what probable amount; whether he has any Statutory powers for regulating the traffic in live cattle, so as to prevent the cruelties referred to; and, if so, under what Acts; and whether he is prepared to make regulations under these Acts for the prevention of the cruelties complained of pending further legislation?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. CHAPLIN, Lincolnshire, Sleaford): Yes, Sir, my attention has been called to the suffering of cattle referred to in the first paragraph of the question, which, I am afraid, is inseparable from every passage across the Atlantic in bad weather. With regard to the second paragraph, we have certainly no evidence to show that the prohibition of the shipment to this country of live cattle for food from transatlantic ports would raise the price of meat to the consumer; on the contrary, I should say, from inquiries I have made since the question appeared on the Paper, that the presumption would be the other way. I am informed that the meat of American cattle killed in Great Britain was selling to-day at 3s. 9d. per stone of 8lb., while the meat of animals killed in America, and sent to this country as dead meat, was selling at 2s. 7d. In reply to the third paragraph, the Board of Agriculture has considerable powers under the Contagious Diseases (Animals) Act, 1878-1890, to make regulations for the purpose of preventing the cruelties referred to. And in reply to the last paragraph, I may say that I have already arranged for the appointment of a Joint Departmental Committee of the Board of Trade and the Board of Agriculture to consider what further regulations may be necessary to prevent, or, at all events, to minimise, as far as possible, the suffering of cattle on their passage across the Atlantic.

CULTIVATORS IN KOLABA AND THANA.

MR. BRADLAUGH (Northampton): I beg to ask the Under Secretary of State for India whether the Secretary of State has seen in the *Times of India*, of 9th April, 1890, a Resolution of the Government of Bombay, relating to trees on occupied lands in Kolaba, in paragraph 30, where it is stated—

> "The same terms as are being offered in Thana under paragraphs 9, 10, and 13 of Government Resolution, No. 2447, dated 8th April, 1890, may for this purpose be offered in Kolaba;"

whether what purports to be Government Resolution No. 2447, dealing with trees in occupied lands, Thana, has been published in the *Times of India* of 12th April; whether he will state what were the terms mentioned in paragraphs 9, 10, and 13, of the Resolution No. 2447, of 8th of April, and whether they contained important concessions to cultivators; whether he will state why this Resolution has not been published in the *Government Gazette;* and whether the Government of Bombay having refused, in their letters Nos. 3024 and 4163, to supply copies of the Resolution to the Forest Association of Thana, he will give instructions for the publication of the Resolution, as framed by Lord Reay's Government, so that the cultivators in the Kolaba and Thana districts may obtain the benefits which it was intended they should derive?

*THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): The answer to the first paragraph of the question of the hon. Member is in the affirmative. The Secretary of State has seen the Resolution from paragraph 3, and not 30, of which the quotation is taken. The answer to the second para-

graph is in the negative. The other Resolution, No. 2447, has not been published. In answer to the third paragraph, I have to say that the Secretary of State cannot state the terms of the Resolution, because the document in question is marked confidential. The Secretary of State is not aware whether the Government of Bombay has refused to publish the document, nor, if so, on what grounds. The Secretary of State is not aware of the refusal of the Government of Bombay to publish the Resolution, and the matter seems to be one of local administration, with which, as at present advised, he should not interfere. The hon. Member's question will be sent to India in ordinary course.

THE BURMESE DACOIT BOH YAN MYUN.

SIR WILFRID LAWSON (Cumberland, Cockermouth): I beg to ask the Under Secretary of State for India whether he has yet received any answer to his inquiries into the case of the Dacoit Boh Yan Myun's trial in Burmah?

*SIR J. GORST: No telegram has reached me on the subject.

SIR W. LAWSON: When does the right hon. Gentleman expect to hear?

*SIR J. GORST: Probably by Monday next; inquiry is being made.

INDIAN MIDLAND RAILWAY.

MR. BRADLAUGH: I beg to ask the Under Secretary of State for India whether the Indian Government documents relating to the acquisition of the lands and material in certain of the states of Bundelkund, Central India, for the purposes of the Indian Midland Railway, numbered respectively 357, 359, 272, 2,550, 686, 584, and 756, of 1886, concerned all the States through which the railway runs, and covered the acquisition of all lands, and the purchase of timbers, stones, &c.; whether in the engagements entered into under these documents a sum of about five lakhs of rupees have been claimed by certain chiefs of States in Bundelkund; whether, notwithstanding such engagements, Mr. Henvey, the Agent of the Governor General of Central India, has recommended that no compensation be paid to the chiefs, on the ground that collateral advantages may hereafter accrue to them; and whether the Government will lay upon the Table the Papers relating to the transactions entered into with any and all of the chiefs of States in Bundelkund, through which the Indian Midland Railway runs, by the contractors for the railway, or by any other parties in connection with the railway.

*SIR J. GORST: With the exception of No. 272, which was the subject of my reply on the 3rd of July, none of the documents referred to in the question can be traced. The question will be sent to the Government of India in ordinary course.

POST OFFICE SAVINGS BANKS.

MR. HOWELL: I beg to ask the Postmaster General whether he is aware that the Post Office Savings Bank Department has refused to accept the transfer of moneys, deposited by the Trustees of the Camberwell branch of the Amalgamated Society of Painters and Decorators, with the Trustees of the Camberwell Savings Bank, to the Post Office Savings Bank; and, if so, on what grounds the refusal is based; whether he is aware that the moneys aforesaid, amounting to £118 1s. 3d., were deposited in the Camberwell Savings Banks under the Friendly Societies' Clause, as a Friendly Society, and was entered as G. 583 in the said bank; whether the Amalgamated Society of Painters and Decorators is a Friendly Society within the meaning of the Act, and has been allowed, as such, to deposit its funds in Trustee or Post Office Savings Banks for many years, and has now deposited funds in the Post Office Savings Banks of the country; whether he is aware that this branch of the Amalgamated Society of Painters and Decorators is unable, by reason of the closing of the Camberwell Savings Bank, and the refusal of the Post Office to accept the transfer of its funds, to make payments to its members for sickness, funeral, accident, out of work, and other benefits; and, whether he will cause such transfer to be accepted without delay, in accordance with the existing law and practice in similar cases?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): The National Debt Commissioners are responsible for what has happened, and, therefore, the question

ought to have been addressed to me instead of my right hon. Friend. I am making inquiries into the matter, and will be glad if the right hon. Member will postpone the question until to-morrow.

CHELSEA SAVINGS BANK.

MR. HOWELL: I beg to ask the Chancellor of the Exchequer whether it is a fact, as has been stated, that the assets under the control of the Official Liquidator of the Chelsea Savings Bank are sufficient to pay all the depositors in full; and, if so, can he inform the House why the depositors have not been paid in full; whether it is true, as alleged, that the costs of the Solicitors, Messrs. Hare & Co., of the Official Liquidator, and of the Treasury Agents already amount to the sum of £3,000; and whether he will lay upon the Table of this House a statement of the costs and charges in connection with the winding up of the affairs of the Chelsea Savings Bank?

MR. GOSCHEN: No, Sir; the assets are not absolutely sufficient to pay all the depositors in full. But those who are not paid in full will receive 19s. 8d., when the Official Liquidator pays a further dividend of 4s. 8d., which he hopes shortly to be able to do. The costs and remuneration of the liquidator will be settled, and the solicitors' charges will be taxed by the Court, in accordance with the usual scale, and together will probably exceed £3,000. But this is only an estimate. I will consider the question of laying a statement upon the Table, such as the hon. Member suggests.

THE BRENNAN TORPEDO.

MR. HANBURY (Preston): I beg to ask the Secretary of State for War what is the total amount paid, and to be paid, to Mr. Brennan for his torpedo; how much of it was payable as a lump sum, and how much as an annual payment, or payments, and for how many years; and who recommended these payments?

*THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): The total amount to be paid to Mr. Brennan for his torpedo was £110,000, of which £30,000 was paid in a lump sum, and the balance at the rate of £16,000 a year for five years. These payments were recommended by the Secretary of State for the time being, after consultation with several military and naval officers.

THE ARCHBISHOP'S THRONE AT CANTERBURY.

MR. CAVENDISH BENTINCK (Whitehaven): I beg to ask the Vice President of the Committee of Council on Education whether he is aware that the archbishop's throne which was presented to Canterbury Cathedral by Archbishop Tenison, and which was designed and executed by Grinling Gibbons, has for many years past been stowed away as lumber in a damp cellar adjacent to the cathedral cloisters; and whether he will, on behalf of the Department of Science and Art, apply to the Dean and Chapter for the loan of this beautiful and interesting work, in order that it may be rescued from its present unsatisfactory position, and preserved in the Kensington Museum?

THE VICE PRESIDENT OF THE COUNCIL (Sir W. HART DYKE, Kent, Dartford): I am very much obliged to my right hon. Friend for calling attention to the matter, and shall be glad to act upon his suggestion as soon as possible.

SPEED OF CRUISERS.

MR. S. SMITH (Flintshire): I beg to ask the First Lord of the Admiralty whether his attention has been drawn to the discrepancy between the statement made by him explanatory of the Navy Estimates, 1889-90 (pages 5 and 6), where the nine first class cruisers and the 29 second class cruisers are all given a "speed at sea (continuous steaming) of 18 knots," whilst in the Navy Estimates, published in February of this year, the same first class cruisers are given a continuous seagoing speed of 96 hours duration, natural draught, in smooth water, and with clean bottoms, of 16¼ knots an hour, and the second class cruisers mentioned above a speed of 16 knots; and whether he can explain these differences?

THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): The particulars given for these cruisers at pages 5 and 6 of the statement were supplemented by those given on pages 182 and 188 of the Navy Estimates for 1889-90. From the latter

it will be seen that the figures for speeds relate to maximum trial speeds—with forced draught, 20 knots, and natural draught, 18 knots, respectively. The words continuous steaming, as the context shows, were used to contrast the speed developed under forced draught for four hours, and that under natural draught for a longer period. Since the preparation of the Estimates for 1889-90, and the explanatory statement thereon, the whole question of the probable development of power in Her Majesty's ships when steaming continuously at sea for long periods has been re-considered. A number of trials have been made with ships on service, and the figures published in the Navy Estimates for 1890-91 represent the results of the inquiry, and the calculated speeds corresponding to the powers that will probably be developed for long periods under the conditions of actual service. I may add that the capacity and boiler power of these vessels have been largely increased, and are some 20 per cent. in excess of that contained in the original design.

RATING OF VOLUNTARY SCHOOL BUILDINGS.

MR. HOWARD (Middlesex, Tottenham): I beg to ask the Vice President of the Committee of Council on Education whether, in view of the action of the London County Council with respect to increasing the rating of voluntary school buildings, the Government will promote legislation to exempt public elementary schools from rating, so as to prevent the extinction of many voluntary schools?

SIR W. HART DYKE: If the threatened steps to increase the rating of elementary schools are seriously intended, a large number of voluntary schools must inevitably be closed, and in order to avert such a disaster there can be no doubt that the demand for the exemption of all public elementary schools from rating will, in the general interests of the ratepayers, become more pressing, but at this stage of the proceedings it would, I think, be premature to pledge the Government to any particular course of action.

THE MASTER OF THE HAWKS.

MR. SEYMOUR KEAY (Elgin and Nairn): I beg to ask the Secretary to the Treasury what part of the £965 paid yearly to the Master Surveyor and Keeper of the Hawks was originally for salary, and what part was for the purchase and maintenance of hawks; whether he has observed that the Act 2 and 3 Will. 4, c. 96, Clause 9, whereby the pensions to the Marquess of Downshire and other persons were first charged on the Civil List, directs the same to be so charged "during the pleasure of His Majesty"; whether he will state if, since the Treasury proposed that the pay of £162 10s. yearly to the warders of Hillsborough Fort shall continue until "the resignation or demise of the present recipients of the allowances," steps have been taken to ascertain who the recipients are, and what are their respective ages and consequent expectations of life, so as to determine whether the allowances, before they lapse, will amount in the aggregate to a large or only to a small sum, in order to enable the House to "pass an opinion on each agreement to commute," as invited by the last paragraph of the Treasury Minute of 15th July; and whether the Treasury has any reason to expect that any of the warders will tender their "resignation," and so terminate their allowances before demise?

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): If the hon. Member will refer to the reply which I gave on Tuesday to my hon. Friend the Member for Preston, and to the appendix of the Report of the Select Committee, he will find all the information asked for in his first and second questions. Payment to the warders would only be made on direct proofs of life and of tenure of office.

MR. HANBURY: The right hon. Gentleman did not answer part of my question the other day, namely, whether all the payments will be commuted at the same rate?

MR. JACKSON: Certainly, Sir; but I think I did answer that question the other day.

SCHOOL BOARD OF HULLAVINGTON.

MR. CHANNING (Northampton, E.): I beg to ask the Vice President of the Committee of Council on Education whether he is aware that the School Board of Hullavington, Wilts., in advertising for a certificated master from

Michaelmas next for the mixed School Board of Hullavington, the wife or sister of such master to take infants and needlework, have intimated that—

"The present teacher (mistress) takes the church services, for which she receives separate remuneration."

And—

"That if the master had a daughter to take pupil teacher's place it would be a great inducement to his appointment."

And that candidates—

"Must be members of the Church of England;"

whether, having regard to the Cowper Temple Clause and other provisions of the Education Act of 1870, a School Board is within its legal right in insisting on membership of any particular Church as a necessary qualification for teachers; and whether the Education Department will take steps to prevent the imposition of such religious tests?

SIR W. HART DYKE: I have no information beyond that given in the question, but some years ago the Department took a legal opinion upon a similar point, and they were advised that they had no power to interfere with such an advertisement.

LABOUR TRAFFIC IN THE PACIFIC ISLANDS.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I beg to ask the Under Secretary of State for the Colonies if the Imperial Government controls the labour traffic in the islands of the Pacific for the supply of the Queensland plantations, and takes measures to prevent the forcible abduction of natives and other abuses; whether the Naval Officers, acting with the Western Pacific High Commission, have orders to safeguard the liberties of the natives; whether any regulations and instructions have been issued for the guidance of Her Majesty's Officers in that matter, and where they are to be found; and whether it is true that N. MacNeil, and other British subjects, convicted in the Qeeensland Courts of the murder of natives on the high seas, in the year 1884, and whose death sentences were commuted to penal servitude for life, have since received a free pardon, and are now at large; if so, whether the pardon was given by the Government of Queensland, with the sanction and approval of the Secretary of State, or solely on the advice of the ColonialMinisters?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): If the hon. Member will refer to the Pacific Islanders' Protection Acts, 1872 and 1875, I think he will find the information he requires. Instructions are, from time to time, sent to the Naval Officers, but these have not been published. The prisoners referred to have not received a free pardon, but their sentences have been remitted, and they are now at large. The remission was granted by the Governor of the colony, on the advice of his Ministers.

SIR G. CAMPBELL: Did the Secretary of State for the Colonies sanction the pardon?

BARON H. DE WORMS: I should have thought the hon. Member would have known that the Secretary for the Colonies had no power to interfere in the matter.

SIR G. CAMPBELL: As this was a case of murder on the high seas was it not dealt with by the Imperial Court, and not by the local Queensland Court?

BARON H. DE WORMS: No, Sir.

THE NATIONAL GALLERY.

SIR GEORGE CAMPBELL: I beg to ask the Chancellor of the Exchequer how the account stands in regard to the pictures purchased for the National Gallery, a few years ago, under the arrangement by which the excess amount was to be recouped from the usual allowance for the purchase of pictures, how much has been recouped in this manner, and how much remains unrecouped?

MR. GOSCHEN: Out of the total grant of £87,600 for the Blenheim pictures, £55,600 will have been recouped under the arrangement mentioned by the hon. Member by the end of the present year, leaving an unrecouped balance of £31,900.

LONDON WATER SUPPLY.

MR. TATTON EGERTON (Cheshire, Knutsford): I beg to ask the President of the Local Government Board whether his attention has been called to the quality of the water supplied by the Grand Junction Water Company, which contained on 24th July 33 per cent. more organic ammonia than the sample taken

on 23rd July, 1889, and nearly double the amount of that contained in the Chelsea Water Company's water, namely, 16·4, as against 9·2, per 100 mil.; also the solids, on heating, showed a marked blackening, and the colour was of a marked yellow colour; whether this all indicates bad filtration; and what penalty attaches to supplying water of such an inferior character?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): My attention had not been called to the quality of the water of the Grand Junction Water Company on the date referred to, until my hon. Friend gave notice of his question. I do not know where my hon. Friend gets his figures from. I may, however, say that, so far as regards the water supplied by this company in the earlier part of the present month, the Report of Dr. Frankland, by whom analyses of the water of the London Water Companies are made on behalf of my Department, was to the effect that the improved quality which the Thames-derived waters have of late exhibited had been maintained. With regard to the supply on the date referred to, the result of the inquiries which I have caused to be made is, that I find that on July 24, and for some days before and after that date, the Thames was swollen with rain, and the water was turbid and highly tinted with colouring matter, no doubt mainly derived from the abundant vegetation, cut grass, &c., spread about in the Thames Valley. At the same time, there can be no question that the want of adequate filtration arrangements prevented the company from effectually coping with the difficulties referred to. The attention of the Directors has been repeatedly called in the Reports of the Water Examiner of the Metropolis to the necessity for increased filters, and I am glad to learn that, in view of the evidence which has been afforded of the need for a larger filtering area, in order to deal with exceptional conditions of the river, the company have intimated that the construction of additional filters will be undertaken without delay. Dr. Tidy, by whom the waters of the company are analysed, states that no such thing as organic ammonia exists in the water, but is manufactured during the process of analysis. The special material to which the colouring matter of the water is due, yields large quantities of the so-called organic ammonia, the quantitative estimation of which is no reliable test whatever of pollution. In justice to the Water Company I think it right to state that I am informed by the Water Examiner that the filters, as now existing, are capable of dealing satisfactorily with the water when the river is in a normal condition, and the Directors appear to have been erroneously impressed by the fact that during the past 18 months the company's water showed on several occasions, in Dr. Frankland's tables of the results of his chemical analysis, the smallest proportion of organic impurity of any of the Thames-deriving companies. In fact, in its average proportion of organic elements during 1889 the company appears to stand, with the Lambeth Company, second in degree of purity of the river-drawing companies. I see no ground in the communications which I have received on the subject for the suggestion that the appearance of the water, or the results of the analysis, show sewage contamination.

MR. T. EGERTON: Is the right hon. Gentleman able to say whether the water of the Grand Junction Company did not contain much higher percentage of organic ammonia than the water from the Chelsea Company?

*MR. RITCHIE: There is no doubt that the filtering power of the Grand Junction Company, as compared with that of the Chelsea Company, is deficient. Assuming that what my hon. Friend says is correct, although I have no knowledge of that, it is undoubtedly due to that fact.

MR. T. EGERTON: My authority is the public analyst of the Vestry of St. George's, Hanover Square, who is also analyst for Kensington.

ADMIRALTY—UNIFORM COMMITTEE.

MR. LABOUCHERE: I beg to ask the First Lord of the Admiralty whether the Uniform Committee has finished its sittings; whether it has presented a Report; and whether it is intended to supplement the inquiries of the Committee by sending round to all ships in commission an outline of the recommendations of the Committee before giving effect to them?

LORD G. HAMILTON: I understand that the Committee appointed to consider the question of the uniforms of officers of the Royal Navy have practically concluded their inquiry, but they have not yet presented their Report. Until the Report has been considered by the Board of the Admiralty it is impossible to say what further action, if any, will be found desirable; but no material changes in the existing uniforms would be made without further consultation with the Service afloat.

POST OFFICE HOLIDAYS.

EARL COMPTON (York, W.R., Barnsley): I beg to ask the Postmaster General whether sub-postmasters are entitled to any holiday, and whether they have some substitute not at their own cost during such holiday; and whether, in the case of large sub-offices where three clerks are employed, these clerks are appointed from the established Service, or whether they must be provided and paid for by the sub-postmasters?

MR. RAIKES: (1) Sub-postmasters are not required to give their whole time to the Service, and are not entitled to annual leave of absence at the cost of the Department. (2) The Sub-postmasters are paid in accordance with the amount of business transacted, and out of their pay they have to provide any assistance which they may need in carrying on the duties.

CHATHAM CONVICT PRISON.

MR. SEXTON (Belfast, W.): I beg to ask the Secretary of State for the Home Department what recommendations of the Visitors who held the recent inquiry at Chatham Convict Prison have been adopted; and what recommendations, if any, have not been acted upon by the Executive?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): Some of the recommendations of the Committee were already the practice of the prison. The others have all been acted upon by the Prison Board, except that they have not thought it necessary to issue any order with respect to the recommendation contained in paragraph 45 of the Report, as they considered the complaint as to the gates outside their cells not being unlocked for the admission of breakfast and tea to be of a trivial nature.

MR. SEXTON: Has it not been recommended that Durban, one of the persons mentioned in the Report, should be reinstated?

MR. A. O'CONNOR (Donegal, E.): Was not this man Durban degraded and removed from his position on the recommendation of the officials of the prison? Is it the case that he is now employed in compounding medicines, and, among others, for the prisoner Daly?

MR. MATTHEWS: I must ask for notice of those questions.

THE ANGLO-GERMAN AGREEMENT.

MR. CHANNING: I beg to ask the Under Secretary of State for the Colonies whether he is aware that the Hon. Cecil Rhodes, the new Premier of the Cape Colony, has given notice of a Motion in the House of Assembly, that that House regretted that the Cape Government had not been consulted with regard to the Anglo-German Agreement, as far as it concerned the territory south of the Zambesi, and that the Cape Colony ought to have a voice in any subsequent agreement regarding such territory; whether it is true that no intimation was given to the Cape Government until the terms of the Concession to Germany of the territory stretching to the Upper Zambesi were settled; and whether, in any future negotiations involving cessions of territory or "spheres of influence," which affect the interests of British Colonies, a proper opportunity will be given to the authorities of such colonies to lay their views before Her Majesty's Government, in time for them to be fairly considered, before such negotiations are completed?

MR. SUMMERS: I beg also to ask the right hon. Gentleman whether he is now in a position to state what was the nature of the communications that passed between the Home Government and the Government at the Cape with reference to the matters dealt with in the Anglo-German Agreement, and more particularly with reference to those portions of the Agreement which concerned the territory south of the Zambesi?

BARON H. DE WORMS: Her Majesty's Government have seen the report of Mr. Rhodes's notice of Motion in the

newspapers. Communications in respect of Walfisch Bay and Damaraland passed with the Cape Ministers before the Anglo-German Agreement was signed. The High Commissioner also made various communications to Her Majesty's Government, relating to the retention of Lake Ngami and the keeping open of the route northwards. Her Majesty's Government can give no such general pledge as the hon. Member for East Northampton proposes in the third paragraph of his question; but it may be assumed that every opportunity which is possible will be given to the colonies directly affected by international negotiations to lay their views before Her Majesty's Government?

MAILS TO SHIPS OF WAR—H.M.S. *THRUSH.*

MR. HENNIKER HEATON (Canterbury): I beg to ask the Postmaster General whether he is aware that H.M.S. *Thrush* left England on 1st June for Gibraltar and Las Palmas, instructions being left that mails for the vessel should be sent on without delay to those places, and that although the *Thrush* stayed a fortnight at Gibraltar, reaching Las Palmas on or about 30th June, up to 1st July last the only mails addressed to the *Thrush* that had been delivered were those of the 6th and 7th of June; can he explain why the mail steamer reaching Las Palmas on 1st July brought no mails for the *Thrush*; and whether he will take measures to insure the punctual despatch of mails to Her Majesty's ships of war, according to the instructions given?

MR. RAIKES: Correspondence is despatched hence to Her Majesty's ships with the utmost regularity in accordance with addresses furnished by the Admiralty to the Post Office, and no fresh measures are required. I find that the *Thrush* left on the 1st of June; that the address furnished for her mails up to the 17th was Gibraltar, and after the 17th Bermuda; and that the mails were punctually despatched to those addresses. The steamer referred to by the hon. Member as reaching Las Palmas without mails for the *Thrush* would seem to have been that despatched from Liverpool on the 21st of June, when the mails were already being sent to Bermuda.

PURCHASE OF THE SUBMARINE CABLES.

MR. HENNIKER HEATON: I beg to ask the Postmaster General whether he is now in a position to inform the House if the purchase of the submarine cables by the English and French Governments has proved a financial success; and whether he can state the share of profits realised by the two Governments respectively, and give any statistics showing the increased number of words and messages forwarded over stated previous annual periods?

MR. RAIKES: In reply to the hon. Member I have to state that a substantial profit will, no doubt, result from the purchase of the submarine cables between this country and the Continent; but it would be premature at present to estimate the amount of that profit in view of the condition of the cables. As the House is aware, some of these cables are very old, and it is possible that, before long, a considerable expenditure may have to be incurred in renewals. Not only so, but the necessity for additional plant has arisen, and a large sum will be spent in the course of the current financial year on a new cable and land line. The number of words in Anglo-French telegrams has risen from 13,376,333 in the year to the 31st March, 1889, to 15,495,791 in the year to the 31st March last. Other telegrams have passed over the Anglo-French cables, but I am not able to give separate particulars with regard to them.

MR. HENNIKER HEATON: Arising out of that question, I beg to ask the right hon. Gentleman whether he is aware that the French Assembly has been asked for a Vote for an additional cable to England, also whether this House will be asked for a Vote for a new cable to France?

MR. RAIKES: I have no knowledge of what has passed in the French Chamber. It is possible that it may be necessary there to ask for a Vote for a cable between France and England, but it is not necessary to ask Parliament for the money for a cable to France.

UPPER MACEDONIA.

MR. LEVESON-GOWER (Stoke-upon-Trent): I beg to ask the Under Secre-

tary of State for Foreign Affairs whether he can give the House any information as to the condition of Upper Macedonia, as described from personal experience by the special correspondent to the *Daily News* in the issue of the 29th instant; whether Her Majesty's Government have received any reports throwing light upon the brutal murders alleged to have been committed by Arnauts upon Christians in the neighbourhood of Pristina and Prisrend; and whether, in the event of the Porte being unable or unwilling to protect the lives and property of its Christian subjects in that Province, Her Majesty's Government would think it advisable to confer with the other Powers as to the best means of restraining the excesses of the Arnauts?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): I am unable to add anything to the reply given to the hon. Member for Aberdeen on the 22nd instant, as we have received no subsequent information. No information has reached Her Majesty's Government which would, in their opinion, justify so serious a step as inviting a conference of the Powers on the internal affairs of Turkey.

SIR. G. CAMPBELL: Is anything being now done to fulfil the provisions of the Treaty of Berlin as to giving Home Rule to Macedonia?

[No reply was made.]

THE FLOATING DEBT.

SIR WILLIAM HARCOURT (Derby): I beg to ask the Chancellor of the Exchequer what is the present amount of the Floating Debt; what is the rate of interest at which the last issue of Treasury Bills was made; and whether he proposes to take any measures to reduce the amount of the Floating Debt, which is now considerably in excess of that at which it has generally stood in recent years?

MR. GOSCHEN: The present amount of the Floating Debt in the hands of the public is about £23,000,000, as against an amount of a little under £14,000,000 in 1885-6. The present amount of Unfunded Debt held by the National Debt Commissioners is about £11,400,000, as against an amount of about £3,750,000 in 1885-6. The large increase under both heads is almost wholly due to conversion and redemption operations, and it must be remembered that the amount held by the National Debt Commissioners can be funded at any time. The last issue of Treasury Bills was made at about $3\frac{3}{4}$ per cent., but it would not be fair to let the rate of interest at any particular moment influence the judgment much. The average rate over a series of years for three months' Treasury Bills has been £2 6s. 8d., and for six months' Bills £2 12s. 2d., clearly a very remunerative rate for the Exchequer. The rate of interest during the current financial year up to date, taking three and six months' Bills together, works out at £2 11s. 5d., still a satisfactory result, but it is probable that the average will be higher during the remainder of the financial year. On the whole, the interest of the Floating Debt over a series of years has been materially in favour of the State as compared with the rate of Consols. Still, I am anxious gradually to reduce the amount of Unfunded Debt in the hands of the public, and I have that object constantly in view. The resources of the National Debt Commissioners afford me the means of doing so, and they would gradually absorb the excess. Another possible means of reducing the amount in the hands of the public would be the issue of Consols on a large scale, the proceeds of which would be applied to paying off Bills, but I do not contemplate such a course. It would disturb the money market and the Consol market, and would, under present circumstances, certainly not be profitable to the State. I look on a gradual reduction as a preferable policy. I hope that, if the right hon. Member will only give me time enough, I may leave a reduced amount of Unfunded Debt to whoever may be my successor.

BRITISH ENTERPRISE IN SERVIA.

SIR ROPER LETHBRIDGE (Kensington, N.): I beg to ask the Under Secretary of State for Foreign Affairs, whether the attention of Her Majesty's Government has been directed to a statement in the *Times* of 10th July, that an important concession for the salting and curing of pork at Nish has been granted to a British subject by the

Servian Government; whether the Foreign Office has received any information regarding this concession; and, whether Her Majesty's Consuls in the Danubian States have been instructed to report fully on such openings for British enterprise?

*SIR J. FERGUSSON: An exclusive concession for pork-curing has been granted to a British subject for 15 years, with certain requirements as to his erection of a factory and obligation to slaughter 60,000 hogs in the first year, 80,000 in the second, and 100,000 in the third, with many contingent privileges and immunities. Her Majesty's diplomatic and consular officers all over the world are instructed to report on enterprises which offer openings for British capital, and notices of such Reports are frequently published. These instructions were laid before Parliament in No. 16 Commercial, 1886.

MR. A. O'CONNOR: May I ask the right hon. Gentleman if it is to be clearly understood that the answer he has given is by no means an assurance or intimation of the opinion of the Government that this particular concern is a sound commercial investment?

*SIR J. FERGUSSON: No, Sir; I merely stated the effect of the Report made to the Foreign Office.

CARNARVONSHIRE QUARRIES.

MR. LLOYD-GEORGE (Carnarvon, &c.): I beg to ask the Secretary to the Treasury whether there is a probability of the negotiations now pending for the grant of a lease of the Gwylwyr Sett Quarry, Pistyll, Carnarvonshire, being brought to a speedy and successful determination? I wish further to ask, whether, having regard to the vital importance of the Gwylwyr Sett Quarry, Pistyll, Carnarvonshire, to the quarrying population in that district, he will take steps to ensure that no lease shall be granted of that quarry which does not contain a proviso for its being worked by an edequate number of men; and whether, in the event of there being more than one application for such a lease, he will advise the selection of the applicant who has the greatest interest in and is the most likely to develop the quarry.

MR. JACKSON: There is a probability that the negotiations will be brought to a speedy and successful determination. It is usual to insert in Crown leases of quarries a convenant requiring the employment of a certain number of men, and, so far as is known at present, there seems no reason for omitting that covenant in the case of the Gwylwyr Quarry.

GOVERNMENT CONTRACTS—MESSRS. BRYANT & MAY.

MR. HOWARD VINCENT (Sheffield, Central): I beg to ask the Secretary to the Treasury if he has received any communication from Messrs. Bryant & May, contradicting the official statement that, although appealing for public support on the ground that they were large employers of British labour, they had a factory in Sweden for the supply of the English market and Her Majesty's Service; and, further, if it is true that an annual contract has been recently renewed by Her Majesty's Government with a middleman for the supply of Swedish safety matches to order, and, in such case, if directions can be issued to the public Departments that, wherever practicable, goods made by British or Irish labour are to be ordered, having regard to the congested state of British labour, and the desirabilily of returning the taxation of the people, so far as circumstances allow, in industrial wages?

*MR. BRADLAUGH: I should like to ask whether the recent statistics published by the Labour Bureau of the Board of Trade do not show that the labour market is not congested?

MR. HOWARD VINCENT: Before my right hon. Friend answers the question of the hon. Member for Northampton, let me ask him if the Reports of the Labour Department of the Board of Trade should not refer almost exclusively to the state of the skilled labour market, on the evidence of the Trades Unions who consent to report, and not to the masses of unskilled labour?

MR. JACKSON: I am afraid that it would be out of order if I were to enter into that matter. Since I answered a question on the same subject the other day, I have been informed by Messrs. Bryant & May that they ceased to have any interest in the Swedish factory at which the "Lion"

matches are made, in 1886, and that their matches are made only at their Fairfield Works at Bow. I am unable to suggest to my right hon. Friend the First Commissioner of Works a course which would preclude his purchasing any articles necessary for the Public Service, even though such articles be manufactured abroad.

MR. HOWARD VINCENT: Does my right hon. Friend mean that, although British working men may be starving at the gates of Parliament for want of employment, public money may be fitly used in remunerating foreign labour?

*MR. BRADLAUGH; May I ask the President of the Board of Trade whether the periodical Returns of the Labour Department do not contradict the view that there is a congested state of the labour market?

SIR M. HICKS BEACH: I must ask for notice.

THE DUKE OF CAMBRIDGE AND THE GRENADIER GUARDS.

CAPTAIN VERNEY (Bucks, N.): I beg to ask the Secretary of State for War whether His Royal Highness the Duke of Cambridge, as Colonel of the Grenadier Guards on full pay, is in any degree responsible for the discipline and efficiency of that regiment, or whether the appointment is a paid sinecure?

*MR. E. STANHOPE: His Royal Highness the Duke of Cambridge, as the Colonel of the Grenadier Guards, is in the same position as all other honorary colonels, and is in no way responsible for the discipline and efficiency of the regiment.

TRAM AND RIVER STEAMER FARES.

MR. COX (Clare, E.): I beg to ask the President of the Board of Trade whether he is aware that some Tram and River Steamer Companies in the metropolitan district are in the habit of charging double, and, in some instances, quadruple, the ordinary fares on Bank Holidays; and, if so, whether this excess charge is legal?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): This is a matter with which I have no power to deal; and, on the question of fact, no information has reached me. I cannot undertake to express any opinion on the legal point, but may observe that in the case of tramways the fares are fixed by the special Acts of Parliament.

MR. A. O'CONNOR: Cannot these companies be compelled to fix up in legible characters outside a list of fares?

*SIR M. HICKS BEACH: I cannot answer that question off-hand.

SWAZILAND.

MR. BRADLAUGH: I beg to ask the Under Secretary of State for the Colonies whether he is aware that a Convention has been signed with the Transvaal Government, and whether that Convention excludes Her Majesty's Government from the paramount position in Swaziland conceded to it under the Convention of 1884; and whether Her Majesty's Government have acquiesced in the demand of the Transvaal State for extension of their site to the sea?

BARON H. DE WORMS: Her Majesty's Government are not aware that a Convention has been signed with the Transvaal about Swaziland; but if the hon. Member will repeat his question in a few days, I trust that I may be in a position to give him some information on the subject. The hon. Member will see that it would not be in the public interest that I should give further information until negotiations are concluded.

MR. BRADLAUGH: I will repeat the question on Monday.

SLAVERY IN ZANZIBAR.

SIR LEWIS PELLY (Hackney, N.) I beg to ask the Under Secretary of State for Foreign Affairs, referring to the telegrams from Zanzibar appearing in the *Times* of Saturday 26th July, which state that the Arabs at Zanzibar, under the influence of intriguing advisers, are becoming much alarmed as to the effect of the forthcoming British Protectorate on their slaves, is there any intention that the private property of Arabs in domestic slaves should be confiscated on the Sultanate passing under the protection of this country?

*SIR J. FERGUSSON: Her Majesty's Government have received no confirmation of the reported agitation among the Arabs. There is no intention of confiscating domestic slaves, but every effort will be made to insure the carrying

out of the provisions of the Act of Brussels, and the prevention of abuses.

MR. DILLON (Mayo, E.): Are we to understand that when a country is put under the British flag, slavery is to be retained?

*SIR J. FERGUSSON: There is no idea of putting the dominions of the Sultan of Zanzibar under the British flag.

MR. BUCHANAN (Edinburgh, W.): May I ask whether it has not been stated that the Protectorate of Zanzibar is to be established in a concrete fashion; and, if so, is slavery to be upheld?

*SIR J. FERGUSSON: I only said it is not intended to assume the Protectorate in so complete, not concrete, a fashion as to exclude the commerce of other Powers. I think it will be found that the measures to be taken on the coast will largely result in the suppression of slavery.

H.M.S. *BARHAM.*

MR. GOURLEY (Sunderland): I beg to ask the First Lord of the Admiralty whether, when the *Barham* broke down for the third time on Thursday last, the engines were being worked at the guaranteed power of 6,000 horses; if not, at what rate; whether the main cause of this vessel's repeated breakdowns is that no margin is left for the expansion of the tubes when subject to intense heat, the result being that the tubes are forced through the plates at the fire-box, and thus the collapse of the boilers; and what steps are being adopted to make the vessel seaworthy, and also to prevent similar casualties occurring with the sister ship *Bellona*, now in course of completion?

LORD G. HAMILTON: The machinery of the *Barham* was not being worked on Thursday, the 24th inst., at the power specified, but at 3,800 horses, being 300 above the guaranteed natural draught power. The boilers of this ship are of the wet bottom locomotive type, and were constructed by a firm having great experience in boilers of this class in the usual manner, and with provision for expansion under heat. The cause of the leakage of the tubes is under investigation, and experiments are now being made as to the steps to be taken to overcome this defect, both in the *Bellona* as well as the *Barham*.

TECHNICAL INSTRUCTION.

MR. SUMMERS (Huddersfield): I beg to ask the Vice President of the Committee of Council on Education if he can inform the House to what extent the Technical Instruction Act of last year has been put into operation in England and Ireland respectively, and to what extent "The Technical Schools (Scotland) Act, 1887," has been availed of in Scotland?

*SIR W. HART DYKE: I have no information as regards Scotland, but if the hon. Member will refer to pages 43 and 44 of the recent Report of the Science and Art Department, he will see that very gratifying progress is being made in bringing the Act of last Session into active operation.

GERMAN PROTECTORATE OF ZANZIBAR.

MR. SUMMERS: I beg to ask the Under Secretary of State for Foreign Affairs whether, under Article I. of the General Act of the Conference at Berlin (1885), the Conference Powers agreed to use their good offices with the Governments established on the African shore of the Indian Ocean, for the purpose of obtaining their approval to the establishment of complete Free Trade within their respective territories, and, in any case, of securing the most favourable conditions to the transit traffic of all nations; and whether the Conference Powers did use their good offices in the sense indicated; and, if so, with what results?

MR. MUNRO FERGUSON (Leith, &c.): I beg also to ask the right hon. Gentleman whether his attention has been drawn to that part of the Declaration of the West African Conference embodied in Article VIII. of the Anglo-German Agreement, and whether, therefore, it will be beyond the rights of the German Authorities to levy duties upon British and Indian trade in the German Protectorate of Zanzibar, including the 600 miles of coast territory, of which Great Britain has engaged to facilitate the absolute cession to Germany; and, if not, in virtue of what special arrangement between Her Majesty's Government and Germany will the German Authorities be entitled to levy duties?

*SIR J. FERGUSSON: The Act of Berlin, which must be meant by the

"Declaration of the West African Conference," stipulates that in a certain defined zone no Import or Transit Duties shall be levied. There is no restriction as to the levying of Export Duties except a provision against differential treatment. The prohibition as to Import Duties is modified by the Declaration appended to the Act of Brussels, which permits their being levied up to a maximum of 10 per cent. *ad valorem* except in the case of spirits. The territory of the Sultan of Zanzibar, though within the zone, was not to be subjected to the trade system of the Act, except with His Highness's approval, which has not been given. Duties on British and Indian trade at Zanzibar, both on the mainland and on the coast administered by the British and German Companies, are levied in accordance with the Commercial Treaty of 1886, which allows a maximum of 5 per cent. on imports, excepting spirits, on which the duty is 25 per cent., and certain specified duties on exports. If a portion of the Zanzibar coast is ceded to Germany, duties on British and Indian goods will continue to be levied under the Treaty, or if the free zone system is applied under that system, as amended by the Brussels Act. Under either the trade is protected from any differential treatment or excessive burdens.

MR. SUMMERS: The right hon. Gentleman has not answered the second part of my question.

*SIR J. FERGUSSON: No, Sir; the Powers have never exercised their influence in the sense indicated.

MR. BUCHANAN: What are the portions of the German sphere of influence within the limits of the Free Trade zone, to which the provisions of Article VIII. of the Anglo-German Agreement are to apply?

*SIR J. FERGUSSON: I must ask for notice of that question.

MR. A. R. SAWYER.

MR. FENWICK (Northumberland, Wansbeck): I beg to ask the Secretary of State for the Home Department whether it is true that Mr. A. R. Sawyer, Assistant Inspector of Mines for the district of North Staffordshire, has resigned, or offered to resign, his appointment; if so, whether such resignation has been accepted by the Government; and whether he will state the alleged grounds for such resignation?

MR. MATTHEWS: Yes, Sir; Mr. Sawyer resigned in February last. The ground of his resignation was that he was suffering from an affliction of the eyes, which was aggravated by his occupation as an Inspector of Mines. He retired on medical certificate, and received a pension from the Treasury.

THE LIVERPOOL TELEGRAPHISTS.

MR. LABOUCHERE: I beg to ask the Postmaster General whether the Chief Superintendent at the telegraph branch of the Liverpool Post Office has refused to allow a Petition from the Liverpool telegraphists, praying for the reinstatement of the exiled Cardiff telegraphists, to lie for signature within the official premises under his control; and whether this is contrary to usage?

MR. RAIKES: No, Sir; I have received no information on the subject referred to in the question, but I will make inquiry.

THE SCOTCH MAILS.

MR. ESSLEMONT (Aberdeen, E.): I beg to ask the Postmaster General whether arrangements have yet been completed to accelerate the mails between London and the North-East of Scotland?

MR. RAIKES: I am happy to inform the hon. Member that arrangements have been made for accelerating the night mail service between London and Aberdeen on and from the night of the 4th proximo. The mail will reach Aberdeen nearly an hour earlier, and the return mail to London will leave Aberdeen nearly an hour later.

PARLIAMENTARY ELECTIONS.

MR. HOWELL: I beg to ask the First Lord of the Treasury whether, inasmuch as the laws relating to Parliamentary elections fill a very considerable space in the Statutes of the realm, and that the total number of Acts, and portions of Acts, now in force relating to such elections, qualification, disqualification, &c., of Members of this House, the qualification, registration, and mode of voting of electors, and other matters, extends to something like 180 Acts, the Government will, during the Recess, consider the propriety of preparing a measure for consolidating, amending, and

simplifying the law relating to Parliamentary elections, and matters connected therewith?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): The subject to which the hon. Gentleman calls the attention of the Government will receive very careful consideration.

CARDINAL MANNING.

SIR GEORGE CAMPBELL: I beg to ask the First Lord of the Treasury whether Her Majesty's Government have advised or mean to advise Her Majesty in the issue of Royal Commissions or similar documents to give precedence by courtesy next after the Royal Family to Cardinal Manning or any other priest of any of the unestablished religious sects in this country; and, if so, whether that act of courtesy is one dependent on age, or any considerations other than the claims of the Religious Body to which he belongs?

*MR. W. H. SMITH: I am not competent to express any opinion on such a difficult question as precedence. Such matters are regulated by Act of Parliament, and we have no intention of introducing a Bill on the subject.

SIR LINTORN SIMMONS'S MISSION.

MR. SUMMERS: I beg to ask the First Lord of the Treasury whether His Holiness the Pope, in the farewell audience granted to Sir Lintorn Simmons on the affairs of Malta, said that—

"Negotiations conducted in this way between the Holy See and Her Majesty's Government would be beneficial as regards the people of Malta, but might also be usefully extended to other parts of the Empire where Catholic interests were of great importance;"

and whether, in accordance with the suggestion of His Holiness, it is the intention of the Government to send special Missions to the Vatican to discuss questions of administration and legislation affecting Catholics in other portions of the British Empire besides Malta?

*MR. W. H. SMITH: This is a Departmental question, and had better be answered by the Under Secretary of State for Foreign Affairs. In the case of purely Departmental questions (of which there are several on the Paper addressed to me) it would be better that they should be addressed to the person responsible, who would be able to give information which I cannot give myself.

*SIR J. FERGUSSON: The passage is correctly quoted from Sir Lintorn Simmons's Despatch of April 7, reporting his final audience to the Pope, which was presented to the House in Miscellaneous No. 1. Her Majesty's Government do not at present contemplate sending any further Mission to the Vatican.

JEWS IN RUSSIA.

MR. FORREST FULTON (West Ham, N.): I beg to ask the Under Secretary of State for Foreign Affairs whether it is true, as stated by the correspondent of the *Times*, of 30th July, that the Russian Government have ordered the enforcement of supposed obsolete laws, which would compel all Jews in Russia now engaged in agriculture to abandon their occupations and migrate into the towns; to force all Jews living throughout Russia to migrate into 16 specified countries; to deny them any educational advantages; and to prevent their following the literal professions, such as the law and medicine; and whether, if this report be true, the Government will take steps, either alone or in conjunction with the other great Powers, to protest against such an exercise of arbitrary power upon the unoffending members of an important nationality, many of whom are domiciled in the British dominions?

*SIR J. FERGUSSON: According to information supplied by Her Majesty's *Chargé d'Affaires* in St. Petersburg last month, no measure depriving the Jews of such privileges as they now enjoy in the Russian Empire was intended.

THE ANGLO-FRENCH AGREEMENT.

MR. SUMMERS: I beg to ask the Under Secretary of State for Foreign Affairs whether, in the proposed Anglo-French Agreement, the Government will take care that in any enlargement of the sphere of influence of France in North Africa, complete freedom of trade shall be secured?

*SIR J. FERGUSSON: It is impossible for Her Majesty's Government to pledge itself in advance to make any particular stipulations, but it is manifestly their duty and intention to consult British interests to the utmost possible extent

in any negotiations with foreign Powers. To require the abolition of all Customs Duties in territory on the southern frontier of Algeria would be to require the same abolition in Algeria itself, as an internal Custom House is evidently very difficult.

AGREEMENTS WITH FOREIGN POWERS.

MR. SUMMERS: I beg to ask the Under Secretary of State for Foreign Affairs whether he is aware that Article VIII. of the Treaty of Paris stipulates that

"If there should arise between the Sublime Porte and one or more of the other Signing Powers any misunderstanding which might endanger the maintenance of their relations, the Sublime Porte, and each of such Powers, before having recourse to the use of force, shall afford the other contracting parties the opportunity of preventing such an extremity by means of their mediation;"

and whether Her Majesty's Ministers will consider the advisability of acting in conformity with this precedent, and of inserting arbitration clauses in agreements which they may hereafter make with Foreign Powers?

*SIR J. FERGUSSON: As the House has been already informed, Her Majesty's Government are favourable to arbitration where the circumstances render that course expedient; but they cannot enter into any such general engagement as is indicated.

IRELAND—PETTY SESSIONS CLERK OF KILREA.

MR. MAC NEILL (Donegal, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been directed to the election by the Magistrates, on the 7th of July, of Mr. Hay, as Petty Sessions Clerk of the Kilna district; whether the late Petty Sessions Clerk of this district obtained his appointment on the condition of residence in Kilrea; whether Mr. Hay, who has been appointed in preference to several other candidates, fills the office of Petty Sessions Clerk in Coleraine, a town 18 miles distant from Kilrea; and whether this dual position is compatible with the due and efficient discharge of the duties of either post; whether he is aware that Mr. Hay had been previously dismissed from the clerkship of Petty Sessions in Coleraine in consequence of several grave irregularities in connection with that office, and was only reinstated to the post after two elections by the Magistrates; and what action, having regard to the circumstances of the case, does the Government propose to take with reference to the ratification of this gentleman's election to the Petty Sessions clerkship at Kilrea?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): The Registrar of Petty Sessions Clerks reports that the late Clerk of Petty Sessions of Kilrea obtained his appointment on the condition of residence in Kilrea. He held that clerkship alone, and in such cases the rule is that a clerk must reside in his district. Mr. Hay, the present clerk, resides at Coleraine. He is permitted to do so because he holds the clerkship of Coleraine as well as that of Kilrea. Care will be taken that he makes adequate attendances at Kilrea, which is connected with Coleraine by rail. In many instances the duties of two or more districts are satisfactorily discharged by one clerk, and there is no reason to doubt that Mr. Hay's dual position is compatible. It is true that in 1867 Mr. Hay was dismissed from the clerkship of Coleraine, for irregularities resulting from intemperance. He was re-elected at one, not two, elections, in November, 1888. The Lord Lieutenant, after long and careful consideration, approved of his re-appointment, all claims against Mr. Hay having been fully discharged, and it being shown that his life during the 21 years between dismissal and re-election had been steady and respectable. His conduct since re-appointment has been excellent, and His Excellency does not propose to interfere with his holding the clerkship of Kilrea.

THE CORK TELEGRAPH OFFICE.

MR. FLYNN (Cork, N.): I beg to ask the Postmaster General whether, when dealing with the case of the Cork telegraph office, under his new scheme, inquiry was made as to the relative cost of living and house rent in Cork and Belfast where the maximum pay for first-class telegraphists is to be 4s. a week in excess of that at Cork; whether such inquiry, if not already instituted, will be made; whether the classification and average amount of work performed

by first-class telegraphists in Cork and Belfast are equal, and the strain on individuals identical in both cases; whether, in the new scheme, many offices that perform no night duty and deal with no heavy Press work are put on an equality with Cork with regard to pay though the latter, as regards both these harassing duties, is in the same category with the first-class offices in Ireland and England that are favoured with the new higher maximum salaries; and whether, in view of these circumstances, the claims of Cork, to be placed in an intermediate position as regards pay between these two classes of offices, as Belfast has been, will be considered, especially if the contention of the Cork staff that the cost of living and house rent in Belfast are not in excess of those in Cork should be found to be correct?

MR. RAIKES: The points referred to have been considered, but the hon. Member must perceive that the position of the various towns and offices must be regarded from a somewhat larger point of view, and I am satisfied that, looking at the conditions of Cork as a whole, that it has been placed in its proper category, and that it would not be right for me to alter the arrangement.

THE TRIAL OF CAPTAIN RYE.

MR. FLYNN: I beg to ask the Attorney General for Ireland whether Mr. John S. Collins was one of the jury who tried the case of Captain Richard Tonson Rye, J.P., D.L., who was charged at the present Cork Assizes for unlawfully firing at and wounding Jeremiah Corcoran; is he aware that a Mr. John S. Collins wrote a letter to the *Cork Constitution*, the local Conservative paper, on the 11th April last, in which he condemned the Magistrates at Farran Petty Sessions for having sent the case forward for trial; and is this Mr. Collins the same person as the Mr. Collins who served on the jury; and, if so, how did it happen that he was allowed to sit on a case which he had publicly prejudged?

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): I have no means of obtaining information on the subject of this question. If it be true that Mr. Collins wrote the letter imputed to him, he proved himself to be eminently open to reason, for, having heard the evidence, he concurred in a verdict of guilty against Captain Rye.

MR. FLYNN: Is this man the Collins who wrote the letter; and, if so, why did not the Crown Solicitor instruct him to stand by, seeing that more than 30 challenges were made by the Crown?

*MR. MADDEN: I have already said that I have been unable to obtain the information.

MR. SEXTON (Belfast, W.): Was it not the duty of the Crown Solicitor to prevent this man from serving on the jury?

*MR. MADDEN: Certainly it was, if the facts are true, but the fact I have been unable to find out is that he is the man who wrote the letter. Beyond all doubt if he had expressed an opinion one way or the other he ought not to have been on the jury.

MR. SEXTON: If I put a question on Monday will the right hon. Gentleman have sufficient opportunity to enable him to ascertain in the meantime if this was the same person?

*MR. MADDEN: I have no means of ascertaining.

MR. MAC NEILL: Is it not the fact that Captain Rye was charged with firing at and unlawfully wounding Corcoran, and that he was only tried for a common assault?

[No answer was returned.]

EAST LANCASHIRE REGIMENT.

MR. M'CARTAN (Down, S.): At the request of the Secretary of State for War I beg to postpone a question I intended to ask the right hon. Gentleman whether his attention has been called to the report in the *Newry Reporter* of 26th June, 1890, of an action for trespass against Captain Irwin, of the East Lancashire Regiment, brought before the County Court Judge of Down at the last sitting of the County Court at Newry, from which it appears that, on the 15th July, 1889, Captain Irwin and about 60 men of his regiment were going through a "night attack," in the course of which a number of his men trespassed on the lands of Mr. James Goodman, of Cloghmore, and did damage to his crops; whether he has observed that it appeared in evidence that, when Mr. Goodman protested against the trespass on his

crops, one of the soldiers pointed a revolver at him and threatened to shoot him; whether Mr. Goodman offered to leave to arbitration the amount of loss sustained by him; whether Colonel Griffiths, on 14th August last, in answer to a letter of Mr. T. J. Marron, Solicitor for Mr. Goodman, referred Mr. Marron to Captain Irwin as "the officer who was in sole command, and who was solely responsible for any occurrence connected with his party on that night;" whether, at the trial, advantage was taken of the fact that the trespassers were under the immediate command of the colour-sergeant, and that the proper defendant was not before the Court: and whether the Judge is correctly reported to have said "he believed damage had been done by the military, but he could not hold Captain Irwin liable," and he dismissed the case;" and whether he will cause inquiry to be made into the matter, and see that fair compensation be given to Mr. Goodman for the damage done to his property by the soldiers on that occasion.

THE ROYAL IRISH RIFLES.

MR. LABOUCHERE (Northampton): I beg to ask the Secretary of State for War whether it is intended to supply the Royal Irish Rifles with the new pattern head-dress, which has been served to the Rifle Brigade and to the 60th Rifles, in place of helmets?

*MR. E. STANHOPE: The whole question of the head-dress for Rifle Regiments is now under consideration.

OUTRAGE IN TRALEE.

COLONEL SAUNDERSON (Armagh, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that in the district of Tralee, County Kerry, four stabs were inflicted on a donkey belonging to Thomas Grogan, on an evicted farm; if so, whether any one has been made amenable for the outrage?

MR. A. J. BALFOUR: The Constabulary Authorities report that it is the case that in the district of Tralee a donkey which was grazing on an evicted farm was found on the 22nd instant to be stabbed in four places. No person appears to have been so far made amenable for this cowardly and cruel outrage.

MR. E. HARRINGTON (Kerry, W.): Has it been brought to the knowledge of the right hon. Gentleman that the punctures were such as might have been made by a Constabulary bayonet?

MR. A. J. BALFOUR: No, Sir.

MR. DILLON (Mayo, E.): Is the right hon. Gentleman aware that the owner of a racehorse stabbed his own animal and then obtained 100 guineas from the Grand Jury?

[No answer was returned.]

CHARGE AGAINST A PETTY SESSIONS CLERK.

DR. TANNER (Cork Co., Mid): I beg to ask the Attorney General for Ireland whether he is aware that Francis C. Garvey, of Murrisk Abbey, Mayo, Ireland, who was appointed clerk of Petty Sessions for Louisburgh district by the Justices of said district, and also recently appointed Commissioner for taking affidavits by the present Lord Chancellor of Ireland, was dismissed his ship and the Service, he being then an officer in the Royal Navy, on a charge of larceny, and was sentenced to a term of imprisonment; and whether, in the face of the above-mentioned finding, he will be continued in the position of trust and emolument to which he has been appointed?

MR. MADDEN: I must ask the hon. Gentleman to defer the question until some day next week. The Registrar of Petty Sessions clerks is making inquiries.

DR. TANNER: The matter is one of very great importance, and I ask that an answer shall be vouchsafed at the earliest possible opportunity. I will put the question down again for Monday and shall expect an answer.

APPEAL ON SUMMARY CONVICTION.

MR. SEXTON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, considering that the Law in England allows every person convicted by summary jurisdiction, and sentenced to imprisonment without the option of a fine, the right of appeal to a superior Court, whilst the law in Ireland denies such appeal except when the term of imprisonment exceeds one month, the Government will take any step to modify the system by which Magistrates in Ire-

land are able to refuse to increase sentences of one month and under, and so withhold from persons summarily convicted in Ireland the right of review by a superior Court enjoyed in every case as a matter of legal right in England? I wish to explain that the question has been fundamentally altered since I handed it in, and that I did not refer to the ordinary Justices at all.

MR. A. J. BALFOUR: I can only answer the question as it appears on the Paper. The difference between the two countries depends on the terms of the Petty Sessions Act, 1851, which govern all summary jurisdiction. It is impossible without legislation to modify the system, and legislation, even if desirable in the abstract, is obviously impossible in existing circumstances.

MR. SEXTON: Will the right hon. Gentleman introduce a non-contentious Bill to assimilate the law of the two countries; and, if not, will he lay on the Table of the House a declaration that it is expedient to give the same right of appeal to prisoners sentenced in Ireland as that which is now enjoyed by prisoners sentenced in England? The right hon. Gentleman must remember that he promised an appeal in all cases.

MR. A. J. BALFOUR: I deny that, either in public or private, I ever intimated any intention of interfering with the Magistrates in the exercise of their judicial functions.

Several IRISH MEMBERS: You did.

MR. SEXTON: Will the right hon. Gentleman bring in a Bill to assimilate the law of Ireland to that of England in respect of the right of appeal?

MR. A. J. BALFOUR: It would be obviously absurd to undertake to introduce this Session a Bill to make so important a change in the law.

MR. SEXTON: Will the right hon. Gentleman introduce a Bill next Session?

MR. A. J. BALFOUR: I can make no promise of the kind.

THE ARTILLERY RANGE AT ROSSBEIGH

MR. EDWARD HARRINGTON: I beg to ask the Secretary of State for War whether any Memorial has reached his Department from fishermen of Crombane, Killorglin, County Kerry, whose industry has been affected at the most favourable fishing season by the fact that the confluence of the three rivers in which they trawl salmon is in the line of fire of the Artillery range at Rossbeigh; whether the names of such men, who have (after paying for their £3 licences) been hampered in their industry, have been forwarded to the War Office; and will their representation be favourably considered?

*MR. E. STANHOPE: Memorials have been received from seven fishermen of Rossbeigh and Crombane asking for compensation for losses in salmon fishing consequent on Artillery practice at Glenbeigh. The Chief Crown Solicitor in Ireland reports that on completion of the Bye Laws for the Artillery Range at Glenbeigh, the question of the rights of the fishermen will have to be considered; and as the petitioners' claims to compensation for disturbance in the pursuit of their industry depend upon their possession of such rights, the matter must be left in the Crown Solicitor's hands for further report. The Irish Fishery Department have also offered to hold a local inquiry into the case.

MR. PERCY MAGAN, J.P.

MR. HAYDEN (Leitrim, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he can now state what decision the Irish Land Commissioners have come to with regard to the explanation given by Mr. Percy Magan, J.P., to the charge of having obtained money under the Arrears Act by false representations; whether he will lay the explanation before the House; and, whether, the Land Commission showing by their demand for an explanation that a *primâ facie* case had been made out, he still declines to take any steps to direct the attention of the Lord Chancellor to the case, with the view of having Magan suspended from the discharge of magisterial functions pending a full inquiry.

MR. A. J. BALFOUR: The Land Commissioners report that they have considered the charges made by the hon. Member, and Mr. Magan's reply thereto, and that they intend to forward a Report in the matter to the Lord Lieutenant. The Executive Government now await the receipt of that Report.

MR. SEXTON: As a *primâ facie* case has been established, will not the

Government in the meantime suspend Mr. Magan?

MR. A. J. BALFOUR: As the Law Officers of the Crown have not yet seen the Report, the hon. Member will see that they cannot take any action in the matter.

LAND COMMISSION—WICKLOW.

MR. HAYDEN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that on the County Leitrim estate of Mr. William R. La Touche, Bellevue, Wicklow, originating notices have been served as far back as October, 1887, which have not yet been heard by the Land Sub-Commission; whether he is aware that it is proposed to sell the estate under a mortgage; and, whether, in view of the fact that under such circumstances it is very undesirable that the rent should remain undecided, he is in a position to state the date for the next sitting of the Sub-Commission in Carrick-on-Shannon.

MR. A. J. BALFOUR: The Land Commissioners report that there are only five cases outstanding on the estate referred to. They were all received subsequently to October, 1887. An application has been made to the Land Commission to purchase this estate, which is for sale in the Land Judge's Court, with a view to re-sale of the same to the tenants. Three of these cases, which are in the Poor Law Union of Bawnboy, will probably appear in the Ballyconnell October list. No arrangements have yet been made for a Sub-Commission sitting for the Union of Carrick-on-Shannon.

LAND COMMISSION—DOWN AND ANTRIM.

MR. M'CARTAN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware of the dissatisfaction among the farmers of the Counties of Down and Antrim, who have upwards of two years ago served notices to have fair rents fixed, and who, pending the hearing of their applications, are now obliged to pay the old rack rents; whether the Sub-Commissioners appointed for Down and Antrim were some time ago taken away from their work there, and sent to another part of Ireland; whether anything has been since done in these counties to give to the tenants the benefits conferred upon them by the Land Acts; and, whether, considering the inability of the tenants to pay the old rents, and the number of ejectment decrees already obtained against them, he will give directions to have the Sub-Commissioners sent back to these counties without delay?

MR. A. J. BALFOUR: The Land Commissioners report that all applications to fix fair rents in the Counties of Down and Antrim have been disposed of up to the end of the year 1887. In April last the Commissioners found it necessary to move the Sub-Commission which had been working in the counties in question to the Counties of Mayo and Sligo, in order that the undisposed of cases in those districts might be brought up to a level date. According to the present arrangements a Sub-Commission will commence the hearing of the cases from the Counties of Down and Antrim on the 7th of October next. In the case of any tenant proceeded against for the old rent, it is open to him to apply to the Court for a stay of execution or other order as to the Court may seem fit, and where the tenant pays at the old rate he is entitled to make a future deduction for the difference between such payment and any reduced rate at which the judicial rent may be fixed.

CONVICT PRISONERS AT CHATHAM.

MR. MAC NEILL: I beg to ask the Secretary of State for the Home Department whether a Member of this House was not permitted to have an interview with James Egan, a prisoner in the Convict Prison at Chatham, except in the presence and hearing of a warder, although such interview was granted at the convict's own request, whereas agents for the *Times*, and detectives in the service of the *Times*, were permitted to hold interviews with convicts both in Chatham Prison and other prisons in England, such interviews being unsolicited by the convicts, and held on some occasions in the presence, but not in the hearing, of a warder, and on other occasions out of the presence and hearing of a warder; and on what ground is the distinction of treatment of a *Times* agent and detective and the treatment of a Member of this House maintained?

MR. ARTHUR O'CONNOR: I also beg to ask the right hon. Gentleman, with reference to the case of Egan, whether he is aware that the warder in charge of the prisoner told the hon. Member for South Wexford, during his visit to Egan on Monday last, that "he (the warder) had received special instructions not to permit the slightest reference to the treatment of the prisoner," and by whom such special instructions were given; whether Egan solemnly protested that "it was a matter of life and death to him" to be allowed to refer to it; whether he is aware that the friends of the prisoner apprehend the most grave circumstances unless he allows a visit by some independent person in whom the prisoner will have confidence; and whether, considering the peculiar circumstances, he will now allow such a visit?

MR. MATTHEWS: The interview with James Egan, at Chatham, alluded to in the question, was subject to the practice which governs all ordinary visits, namely, that they take place in the presence and hearing of a prison officer. I am not aware of any exception having been made to this rule. Visits by solicitors on business are special visits. They are allowed to take place before conviction in the sight, but not in the hearing, of an officer; and in local prisons the Commissioners have, in their discretion, allowed similar visits after conviction. The visits of Mr. Soames to convicted prisoners at Chatham took place in the sight and hearing of the Deputy Governor. His agents saw some prisoners in a local prison in the sight, but out of the hearing, of the prison officers. I am not aware of any such visit having been held out of the sight of a prison officer. I have more than once explained in this House that a distinction is made by the Prison Authorities between ordinary visits and visits by solicitors on business, and this is the sole cause of the difference alluded to by the hon. Member. No special instructions were, so far as I know, given to the warder in charge of the prisoner with reference to the visit of the hon. Member for South Wexford. The general instructions given to all visitors are that reference to prison treatment is not allowed. Any complaint by a prisoner of his prison treatment should be addressed, not to an outside visitor, but to the Governor, or to the Prison Directors, or to the Secretary of State, or to the Visitors of the prison, who are perfectly independent, and who, a short time ago, made a special inquiry covering Egan's treatment. I have requested the Visiting Director to make immediate inquiry from Egan personally as to his complaints.

MR. A. O'CONNOR: Is the right hon. Gentleman aware that the hon. Member for South Wexford (Mr. J. Barry) sought to obtain from the prisoner in question a statement as to the treatment he received, but that the warder interrupted him, stating that he had received special instructions not to permit the slightest reference to the matter; that Egan then protested that it was a matter of life and death to him, and seemed greatly distressed, pressing his hand to his head. In view of the peculiar circumstances of this case, will the right hon. Gentleman consent to allow some person quite independent of the prison, not necessarily a Member of the House, but someone in whose discretion the right hon. Gentleman himself would have confidence, to have a private interview with the prisoner, and represent to the right hon. Gentleman the result of the interview, so that the impression which exists in the public mind regarding Egan's treatment may be removed?

MR. MATTHEWS: I must remind the hon. Gentleman that only a short while ago a special inquiry was made into the prison treatment at Chatham, and with the result with which the hon. Member is, no doubt, acquainted. Inquiry will, however, be made into this subject, and if I find there is any difficulty in getting a full statement from Egan of his complaint, I will request some one not connected with the Service to hold an inquiry. But I must point out that it would be destructive to prison discipline if Members of Parliament or other persons outside were to make a claim to investigate these cases.

MR. J. O'CONNOR: In the case of prisoners in Scotland, has it not been decided that they are entitled to additional letters in consequence of the difficulty of seeing them.

MR. MATTHEWS: In a matter of detail of that kind it would be better to put a question on the Paper.

MR. J. O'CONNOR: I may remind the right hon. Gentleman that I have already put a question on the subject, and that he promised to make inquiry. I now ask him what the result of the inquiry is?

MR. MATTHEWS: I do not remember the circumstance. If the hon. Member desires to have a correct answer, he had better put a question on the Paper.

SHELBOURNE NATIONAL SCHOOL, KENMARE.

MR. KILBRIDE (Kerry, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the attendance in the Shelbourne National School, Kenmare, the class of the principal teacher, and the condition of the school, warrant the appointment of two monitors; whether he is aware that Julia O'Sullivan, sister to the principal teacher, recently passed successfully the required examination for monitress, but was rejected merely because, owing to the illness of the local Registrar, a certificate of her age was not forwarded within six days; and what has been the average daily attendance for past year and for past quarter in said school, and what is its present teaching staff?

MR. A. J. BALFOUR: The Commissioners of National Education report that the appointment of two monitors is not warranted. The condition of the school has not been satisfactory. Within a period of little over three years the teacher had to be twice reprimanded, once cautioned, and once admonished. The previous monitor, moreover, failed badly in his fourth year's examination. The application was refused for the foregoing reason, and because no recommendation was received from the Inspector, who stated he was doubtful as to the advisability of the appointment, and he thought it would be well to postpone the question until next year to afford time for a further observation of the working of the school. The last recorded annual average—that for the year 1889—was 71·6; the average for last quarter was 86. The staff of the school at present consists of a principal and an assistant teacher.

MAIL SERVICES BETWEEN LARNE AND STRANRAER.

MR. SEXTON: I beg to ask the Postmaster General to what decision he has come with respect to the representations and suggestions lately made to him for acceleration of the mail services by the Larne and Stranraer route; is the right hon. Gentleman aware that letters were received only to-day, too late for delivery?

MR. RAIKES: I have received no information to that effect, and shall be sorry to find that it has been so. In reply to the question on the Paper I have to say that the Railway Companies concerned have not yet furnished me with a statement showing definitely the terms on which they would be prepared to provide a greatly accelerated service viâ Stranraer and Larne. I am, therefore, not yet in a position to come to any decision in the matter; but, meanwhile, I have ordered Returns of correspondence to be taken, with a view to determine what expenditure, if any, might properly be incurred for the establishment of the service desired.

THE NATIONAL LIBRARY, DUBLIN.

MR. SEXTON: I beg to ask the Secretary to the Treasury whether complaints have reached him that the furniture supplied to the National Library in Dublin is of an inferior and unsuitable class; and whether directions will be given that the furniture shall be in keeping with the panelling, doors, and other woodwork fittings of the interior?

MR. JACKSON: I have not heard any complaint so far, but I will communicate the question of the hon. Gentleman to the Board of Words.

MR. SEXTON: I trust I may be allowed to express a hope that this important National institution will not be furnished like a waiting-room at a railway station.

EX-CONSTABLE PALMER.

DR. TANNER: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether it is true that ex-constable Palmer was interviewed and recognised by the detective police at Queenstown on the steamship *Arizona* when escaping from justice; and whether any attempt to effect his extradition will be made by the Dublin Castle Authorities?

MR. A. J. BALFOUR: The Constabulary Authorities report that they have grounds for believing that the ex-constable when on board the steamship was spoken to by the detectives, but that it is not true that they recognised him. The man gave his name as "Joseph Pears." The police did not observe anything to suggest suspicion. The offence is not one to which extradition applies.

DR. TANNER: Did not a man see him on board the *Arizona* who had heen in the Force with him for six months?

MR. A. J. BALFOUR: That is a matter of fact of which I must have notice.

MICHAEL MORISSEY.

MR. CAREW (Kildare, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, seeing that Michael Morissey is now nearly five months in prison for contempt in disobeying an order which he could not legally obey, he will recommend his immediate release?

MR. A. J. BALFOUR: As I have already stated, the Government have no title to interfere with the discretion of a Judge in a case where he has made a committal for contempt of Court.

DERRY PRISON.

DR. FITZGERALD (Longford, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, with reference to the sanitary condition of Derry Prison, if it is true, as stated in the Report of Major Beamish, that the "soil pipes of the prison are deficient of disconnecting traps and air inlets" at the point where they join the soil drains of the prison?

MR. A. J. BALFOUR: With regard to the point in Major Beamish's Report as to the condition of the soil pipes in Derry Prison, the General Prisons Board refer to their statements in paragraphs 3 and 4 of page 8 of that Report. Since that Report the ventilating pipe recommended in connection with the public sewer of the town has been erected by the Corporation, and the new medical member of the Board has also visited the prison, and is clearly in accord with the former expressed opinion of the Board as to the satisfactory condition of the drainage of this prison. The Board further add there is in this prison a system in full operation for the complete and frequent flushing of the drains, which is found to be most effective.

DR. FITZGERALD: I think the right hon. Gentleman does not understand that the town drainage in no way affects these traps. Will he make further inquiry?

DR. TANNER: Will the right hon. Gentleman answer the question. Yes or no?

THE REVOLUTION IN ARGENTINA.

MR. SCHWANN (Manchester, N.): Has the right hon. Gentleman the Under Secretary for Foreign Affairs any information to give with regard to Buenos Ayres?

*SIR J. FERGUSSON: This telegram arrived to-day, dated 7 o'clock last evening:—"Everything settled; town quiet; street traffic resumed."

MR. SCHWANN: Is there any information from San Salvador and Guatemala.

*SIR J. FERGUSSON: No, Sir, nothing yet.

WARSHIPS AND DISABLED FISHING BOATS.

MR. M. CAMERON (Wick, &c.) I beg to ask the First Lord of the Admiralty whether his attention has been called to the stranding of the fishing boat *Missionary*, of Stornoway, in Wick Bay, and to the ineffectual efforts made by the crew of another boat, named *Orient*, to get her afloat, that during those efforts the gunboat *Jackal* lay quietly at anchor, while her commander, owing to the want of steam, could not offer any effectual assistance beyond sending a small boat to the stranded craft; whether it is not the duty of the commander of the *Jackal* to have sufficient steam continuously in his ship's boilers to enable him at any moment to weigh anchor and render assistance to disabled fishing boats; and whether the noble Lord is prepared to substitute for so antiquated a vessel as the *Jackal* one of more modern construction?

LORD G. HAMILTON: It is an error to suppose that it is the business of Her Majesty's war-ships to keep up steam for the purpose of assisting fishing boats in distress. Their duty consists in protect-

ing fishermen, or in seeing that foreign fishermen do not interfere with them.

MR. M. CAMERON: Then are we to understand that it is not the duty of the officer in charge of a vessel appointed to look after the fisheries to render a boat assistance when it is in difficulties?

LORD G. HAMILTON: No doubt assistance should be given in such cases, but that is not the object with which a vessel is sent on duty.

MR. M. CAMERON: I shall refer to the matter on the Estimates.

THE IMPRISONED GUARDSMEN.

MR. E. STANHOPE: Some 10 days ago I was asked a question, which I was not then able to answer, with respect to the six Guardsmen recently tried by Court Martial and sentenced to terms of imprisonment. I hope the House will now allow me to answer it. In the interests of the men themselves, I hope that no attempt will be made, either in this House or by means of any public meeting, to put any pressure on the War Office in this matter, because it will be clear to the House that any sympathy shown or suggested with a gross breach of discipline will at once aggravate its importance and its danger. I think, however, that there will be a general feeling that the sentences passed upon these men were in themselves severe. The time has not yet arrived to decide this question, but I have requested the Commander-in-Chief, and he has readily undertaken to examine the cases of these men, including their subsequent behaviour in prison, with the view of considering whether, with due regard to the requirements of military discipline, any remission of the sentences could be granted.

SIR G. ERRINGTON'S MISSION TO THE VATICAN.

MR. T. W. RUSSELL (Tyrone, S.): I beg to ask the First Lord of the Treasury a question, of which I have given him private notice—whether there are any Papers in the Foreign Office relating to the Mission of Sir G. Errington to the Vatican, under the auspices of the right hon. Member for Mid Lothian, and, if there are any Papers, whether they will be laid before Parliament?

Lord G. Hamilton

*MR. W. H. SMITH: I have only received notice of the question after entering the House. The hon. Member will therefore see that it was not possible for me to communicate with the Foreign Secretary since then. If the hon. Gentleman will put a question on the Paper for Monday, I will inquire whether there are any Papers which could be produced.

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I have not received any notice of this question, and, considering that it is quite obvious at whom the question is aimed, I think, in point of decency and Parliamentary usage, the hon. Member might perhaps have given me notice of it. There has never been anything, so far as I know, in the nature of a mission to the Vatican under any Government with which I have been connected, or any other Government, but there were, and have been at various times, undoubtedly, communications held so far back as the time of Lord Palmerston and in the Pontificate of Gregory XVI.—communications held by persons holding some office in Italy for the purpose of conducting any correspondence that it was thought fit to establish. There are many cases to be made known, and a variety of them might, I should suppose, from the annals of the Foreign Office, be specified, and an account laid before this House, which I think would not be an undesirable mode of giving information to the country upon a question of great interest. As far as I remember, the persons who were principally concerned—at all events, some of the persons who were concerned—were a diplomatist who belonged to the family of the Seymours in the time of Lord Palmerston, and in the Pontificate of Gregory XVI., after that the very well-known and highly-esteemed diplomatist Lord Odo Russell, and the last of these was the case of Sir G. Errington in the Government with which I was connected. He bore no diplomatic character whatever, but he undoubtedly conveyed and received information. As far as I am aware, the essential distinction between those cases and the case of Sir Lintorn Simmons was this—that no gentleman who carried on these correspondences on any occasion had any power whatever to commit Her Majesty's Government upon any subject, or claimed any power to receive requests

or demands from the Vatican, and to accede to those requests and demands. But I am quite of opinion that, as the right hon. Gentleman is going to inquire into the matter, it would be well that the inquiry should hardly be limited within the bounds of an answer to question. The subject is of great importance. Much attention has justly been drawn to it in consequence of recent circumstances, and I should think that the preparation of a careful Memorandum in the Foreign Office, illustrated by all documents which are available, and which can be properly produced, would tend to put the House and the country in full possession of matters of which, undoubtedly, they are but partially informed, and which are of great importance to the country. I may state this, with regard to the Mission of Sir G. Errington—which I should not be at all sorry to see brought under discussion in this House, when I could express my sentiments about it—that, as far as I am aware, the Mission of Sir G. Errington, was really not so much a Mission as the taking advantage of Sir G. Errington's residence in Rome to correspond with the Foreign Office and to make known his views. As far as I know, the case of Sir G. Errington differed from all cases which preceded it in this, that it was constantly made the subject of questions and explanations in this House, and to the best of my memory in all the previous cases hardly any notice was given to the matter.

*MR. W. H. SMITH: I will take care to communicate to my noble Friend at the head of the Foreign Office the suggestion which the right hon. Gentleman has thrown out—that a careful narrative Report, by the documents which may be in existence, should be prepared for the information of the House. The suggestion will be carefully considered by the Government. It would be better now to refrain from any argument or any statement with regard to the character of the Representative of this country at the Vatican, either under a former Goverment or this Government.

MR. T. W. RUSSELL: I beg to give notice that I shall repeat the question on Monday.

MR. W. E. GLADSTONE: I desire to add that in giving an answer on the moment to the notice of the hon. Gentleman behind me, I must not be taken to have purported to give a complete or historical narrative. I stated all that was within my recollection, and I rather think that what I have stated will be found to be correct so far as it goes, although doubtless it may admit of amplification.

MR. CAVENDISH BENTINCK (Whitehaven): I desire to ask the First Lord of the Treasury a question, of which I have given private notice, with regard to the speech last night of the right hon. Member for Mid Lothian, in which the following passage occurred—

> "The Pope was induced about 18 months ago, I think, to fulminate what was called a rescript against the Nationalists of Ireland. He thereby, in my opinion, at great cost to his own influence within the legitimate sphere of purely spiritual authority—at very great cost, damage, and detriment to himself—undoubtedly did his utmost to prop up a labouring and failing cause, namely, that of the anti-Irish Party in this country. That was a great step on the part of the Pope. Did it not demand a return? You have got the return before you. The return is by sending somebody whom you call an Envoy Extraordinary and Minister Plenipotentiary to the Pope."

I wish to ask whether there is any foundation whatever for the insinuation that the late Mission of Sir Lintorn Simmons was the consequence of the action of the Pope in publishing a rescript condemning the un-Christian practices of boycotting, intimidation, and the Plan of Campaign?

*MR. SPEAKER: Order, order! The hon. Gentleman must be aware that this is a question which a Minister cannot be expected to answer in that form.

PUBLIC BUSINESS.

MR. J. MORLEY (Newcastle-upon-Tyne): I wish to ask as to the order of business. Will the Report of the Local Taxation Bill be the first order of the day to-morrow; next, is the House to sit on Saturday; and lastly, as this is the 31st July, and there are ill-omened rumours of our meeting in November, will the right hon. Gentleman state what Bills will be proceeded with?

*MR. W. H. SMITH: I understand from my right hon. Friend the Chancellor of the Exchequer that it will be for the convenience of the House that the Report of the Local Taxation Bill shall be taken to-morrow if the Com-

mittee is concluded to-day, and if that is the view of the House the Government will be very glad to take the Rpeort to-morrow, substantially as the first order. They then propose, if a sufficient interval can be found, to take the Post Office Vote, which it is desirable should be obtained. The Police Bill will be taken as soon as the Report of the Local Taxation Bill shall be completed, whether on Saturday or Monday. I have received intimations from different parts of the House that it will be for the general convenience that the House shall meet on Saturday, the sitting being subject to Wednesday rules—that is, that the business shall practically be suspended at half-past 5 o'clock. The Bills which the Government intend to proceed with are the Local Taxation Bill, the Police Bill, the Census (Ireland) Bill, London County Council (Money) Bill, Public Works Loans Bill, and the Savings Banks Bill, if it is not opposed.

MR. STOREY (Sunderland): It will be opposed to the end.

*MR. W. H. SMITH: Then, with reference to that intimation, I can only deeply deplore there should be opposition of the kind declared to a Bill which, I believe, is regarded by the vast majority of Members, even on the hon. Member's own side, as embodying a great safeguard to investors in Savings Banks. On the hon. Member must rest the responsibility if the Bill is not passed. The Partnership Bill, a purely Legal Bill, I believe has been accepted by the House without question. The Public Health Acts Amendment Bill the Government desire to proceed with, and, of course, the Expiring Laws Continuance Bill must be passed. As to the Employers' Liability for Injuries to Workmen Bill and the Reformatory Schools Bill, the order will be discharged. The Electoral Disabilities (Naval, Military, and Police) Bill I hope to pass, on the understanding that Ireland will be exempted from the scope of its operation. With this statement I hope I may appeal to hon. Members to give the Government their assistance in making material progress with the business of the remainder of the week.

*MR. BRADLAUGH: The right hon. Gentleman has not mentioned what is to be done with the Indian Councils Bill. We ought to know the intentions of the Government with regard to that measure.

SIR G. CAMPBELL (Kirkcaldy, &c.): Could not the Bill be taken on Saturday, instead of the Police Bill, which has never been discussed in Committee, and to bring on which would be very inconvenient to Members, as it affects nearly every constituency?

*MR. W. H. SMITH: I am afraid the Indian Councils Bill must be postponed until after Supply, and if it is possible to take it during the stages of the Appropriation Bill the Government will be glad to do so.

*MR. BRADLAUGH: If the Bill is left to the end of the Session it will be extremely unfair to hon. Members interested in it, and will, moreover, be an absolute breach of the promise given by the First Lord of the Treasury in the Debate on the Address.

MR. A. J. MUNDELLA (Sheffield, Brightside): Is it intended to discharge the order for the Education of Blind and Deaf Mute Children (Scotland) Bill?

*MR. W. H. SMITH: If the right hon. Gentleman will assist us to pass the Bill without opposition, we shall be glad to do so.

MR. A. ELLIOT (Roxburgh): When will the Scotch Police Bill be taken.

*MR. W. H. SMITH: I cannot say at present.

MR. H. H. FOWLER (Wolverhampton): With reference to the promised day for discussion of the Treasury Minute relating to Treasury pensions, may I suggest whether it would not be advisable to postpone any commutation till next Session, so as to give a fair opportunity for discussion. There is no immediate necessity for action this Session.

*MR. W. H. SMITH: I think the suggestion of the right hon. Gentleman a very reasonable one, and, therefore, I have no hesitation in postponing the consideration of the Minute till next Session.

MR. DILLON (Mayo, E.): May I ask when the long-promised opportunity for the discussion of the Report of the Vote on the Irish Land Commission will be given me?

*MR. W. H. SMITH: The Government are anxious the hon. Member shall have his opportunity. It is, of course, subject to certain business being carried through.

MR. DILLON: There is no such condition.

*MR. W. H. SMITH: That is the condition on which alone it is in the power of the Government to give the hon. Member his opportunity; and if we are able to conclude the Local Taxation Bill before 11 o'clock this evening, and obtain a vote in Supply, the Government, will then take the Motion of the hon. Member.

MR. DILLON: That amounts to a declaration that I am not to get my opportunity. Now, I have to inform the right hon. Gentleman that I gave a large *quid pro quo* in the agreement made with him. I saved the Government a great deal of time, and the Chief Secretary promised that an opportunity should be given me, in consideration of my foregoing my right to talk out the Vote, to raise a discussion on the Report of Supply.

MR. A. J. BALFOUR: It does not appear to me that the explanation of the hon. Gentleman is inconsistent with what the First Lord of the Treasury has just stated. I stated to the hon. Gentleman that he should have the opportunity of discussing the Report of the Land Commission Vote at a reasonable period—that is to say, not later than 11 o'clock. But no particular day was stated or suggested. The hon. Gentleman knows that we must take this Report, and we are pledged not to take it after 11 o'clock.

MR. STOREY: There is an Amendment on the Paper to enlarge the amounts which depositors are permitted to pay into a Savings Bank during the year. Is the right hon. Gentleman aware that that Amendment is an exact copy of a clause of the Bill proposed by the right hon. Gentleman the Member for Mid Lothian in 1880, at the time when he reduced the interest charged by the Savings Banks? The second part of the Bill had to be abandoned under the stress of the Compensation for Disturbance Bill, though we were promised that it should be re-introduced in 1881. Up to the present time, although the Savings Banks interest has been reduced, that promise to the Savings Banks has never been carried out. In view of that promise, given by the Government of the day in 1880, I would ask the right hon. Gentleman whether he will accept the Amendment?

MR. GOSCHEN: The hon. Member asks me whether it will be possible to deal with a matter that was so contentious that the right hon. Gentleman the Member for Mid Lothian had to drop it from his Bill. Clearly, if a matter of such controversy is to be introduced, either on one side or the other, it will be impossible to pass the Bill.

MR. LEVESON-GOWER: Will the right hon. Gentleman the Leader of the House say when the Foreign Office Vote will be taken, as there are several important topics, which hon. Members on both sides are interested in, which will have to be dealt with.

*MR. W. H. SMITH: I have already stated that we hope to take the Vote as soon as we have disposed of the Police Bill.

*MR. S. SMITH (Flintshire): May I ask when the Intoxicating Liquors (Ireland) Bill will be taken?

*MR. W. H. SMITH: That measure is in the hands of private Members.

*MR. CHILDERS: I desire to ask in what position it is proposed to put the Scotch Superannuation Bill. I understand that the Government have undertaken to take it after the Report stage of the English Bill, but from what has just fallen from the right hon. Gentleman it looks as though he contemplated making some modifications in the arrangement of the business. I ask the question, as I took a great deal of interest in the Bill in Committee, and I think we should know precisely how the Bill stands.

SIR G. CAMPBELL: Is it intended to put the English Police Bill through on a Saturday?

*MR. W. H. SMITH: Most certainly. With reference to the Scotch Superannuation Bill, I will consult the convenience of Scotch Members, and shall be glad if we can deal with it in the manner the hon. Gentleman suggests. I trust that I may appeal to the House to make progress to-night, seeing that the contentious matter of the Local Taxation Bill has been largely disposed of. Then we can take the Post Office Vote, which is so much required.

*MR. CHILDERS: The suggestion that the Committee stage of the Scotch Police Bill should follow the Report

stage of the English Bill was well received by Scotch Members on both sides of the House. If the right hon. Gentleman will inquire I think he will find that that is the feeling of the majority of Scotch Members.

*MR. W. H. SMITH: As I take it that the right hon. Gentleman speaks with the concurrence of the great majority of the Scotch Members on his side of the House I will endeavour to make the arrangement he refers to.

MR. E. ROBERTSON: As there will be great opposition to the Scotch Superannuation Bill, would it not be well for the Government to postpone it altogether for the consideration of the Scotch people?

*SIR J. LUBBOCK: Will the London County Council (Money) Bill be taken to-night? I see it is on the Paper.

MR. JACKSON: I should think it would be better to take it on Monday, but hon. Gentlemen opposite will know about it better than I.

*SIR J. LUBBOCK: The Bill will only require slight amendment, and I think it would be to the general convenience of London Members if it could be taken to-night.

MR. JACKSON: I will confer with the right hon. Baronet on the matter.

MR. ESSLEMONT (Aberdeen, E.): Considering the interest taken in the Bill relating to Blind and Deaf Mute Children in Scotland could it not be arranged to take that measure by consent some night after 12 o'clock?

THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): I know that the hon. Member and the right hon. Gentleman the Member for Sheffield take some interest in this subject. I will confer with them, and shall be glad if some arrangement can be come to by which the Bill can be taken.

MR. PICKERSGILL (Bethnal Green, S.W.): The right hon. Gentleman the First Lord of the Treasury is mistaken in saying that the Youthful Offenders' Bill is not opposed. There are Amendments on the Paper, and the Bill will most certainly be opposed.

DR. FARQUHARSON: Will the Army Estimates be taken next week?

*MR. W. H. SMITH: I am afraid I have gone as far as I can. The hon. Member will see that I cannot say more than I have.

IRELAND—EVICTIONS ON GREAT BLASKET ISLAND.

MR. E. HARRINGTON (Kerry, W.): I desire to ask the First Lord of the Admiralty whether he has received any official Report as to the cruise of Her Majesty's ship *Britomart*, which was referred to in yesterday's newspapers. It was stated that at an early hour on Tuesday morning the inhabitants on Great Blasket Island, 10 miles to the west of the Dingle Promontory, were surprised to see Her Majesty's gunboat *Britomart* in their waters. The vessel had on board the Sub-Sheriff of Kerry, a number of Bailiffs, 100 police under County Inspector Lopnell, Mr. Cecil Roche, R.M., being in supreme command. The object of the invasion was to make seizures in satisfaction of rent due to the Earl of Cork and Orrery. It seems that a number of fishing boats were seized, amongst the number being one belonging to the opposite shore, which had been used for the purpose of bringing a clergyman to the island. Were these boats taken on board the *Britomart*, and is it the intention of the Admiralty to continue this practice of lending Her Majesty's ships of war for passenger boats to convey, not merely troops, but a Sub-Sheriff, Bailiffs, and police. I would also ask whether, in answer to a question of mine, the Government did not refuse to the fishermen at this very place?

*MR. SPEAKER: I think the hon. Gentleman ought to give notice of that question. It is a complicated and somewhat argumentative question.

MR. E. HARRINGTON: Then I would merely ask whether the Admiralty has received any report as to the cruise of the *Britomart*?

LORD G. HAMILTON: Not that I am aware of.

SIR G. ERRINGTON'S MISSION.

MR. A. O'CONNOR (Donegal, E.): When the Government lay on the Table the Papers relating to Sir G. Errington's Mission, will they take the same course in regard to the Mission of the Duke of Norfolk?

MR. SEXTON: May I ask if the Government can give us any information as to the functions about to be performed in Rome by Mr. Kenelm Digby?

*MR. W. H. SMITH: I am not aware of the existence of Mr. Kenelm Digby, but will make inquiries.

MESSAGE TO THE LORDS.

CHILDREN'S LIFE INSURANCE BILL.

Ordered, That a Message be sent to the Lords to request that their Lordships will be pleased to communicate to this House, a Copy of the Report from the Select Committee appointed by their Lordships on the Children's Life Insurance Bill, with the Proceedings of the Committee and Minutes of Evidence.—(*Mr. Ritchie.*)

COLONISATION.

Report from the Select Committee, with Minutes of Evidence, brought up, and read [Inquiry not completed];

Report to lie upon the Table.

MESSAGE FROM THE LORDS.

That they have agreed to,—Supreme Court of Judicature Bill, changed from —Supreme Court of Judicature (Procedure) Bill, Removal Terms (Scotland) Act (1886) Amendment Bill, Sutton, Southcoates, and Drypool Gas (Electric Lighting) Bill, with Amendments.

That they have passed a Bill, intituled "An Act to amend the Settled Land Acts 1882 to 1889." [Settled Land Bill [Lords.]

And, also, a Bill, intituled "An Act for further promoting the revision of the Statute Law by repealing enactments which have ceased to be in force or have become unnecessary." [Statute Law Revision (No. 2) Bill [Lords.]

FOREIGN JURISDICTION (CONSOLIDATION) BILL [LORDS].—(No. 383.)

Considered in Committee, and reported, without Amendment; read the third time, and passed, without Amendment.

ORDERS OF THE DAY.

LOCAL TAXATION (CUSTOMS AND EXCISE) DUTIES BILL.—(No. 244.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 4.

(5.18.) MR. STOREY (Sunderland): Inasmuch as I shall have another opportunity of discussing Clause 4, and shall then be able to raise the question whether this shall be a temporary or permanent charge, I do not propose to go on with the Amendment I mentioned yesterday afternoon when the House resumed. I now ask leave to move an Amendment at the end of line 39, after the word "England." The clause, as it at present stands, reads:—

"The remaining half of the said annual sum shall be distributed by the Police Authorities for the Police Forces in England."

I propose to add "other than the City of London." The effect of that will be to distribute the £150,000 a year over the Police Forces in the Kingdom, except that of the City of London. The object I have in view must be apparent to the Government, and I cannot but think that it has been by pure inadvertence that they themselves have not proposed the Amendment.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): I am willing to accept the Amendment.

MR. STOREY: Will the right hon. Gentleman consider a clause to exempt other large municipalities in the country who have sufficient borough power, who do not want to be brought under the operation of the Bill, and who are willing to forego their share of this money?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): We accept the Amendment, on the ground that last year an Act was passed enabling the City to make satisfactory arrangements for the superannuation of its police. I do not know that other Municipalities are in the same position.

(5.21.) MR. STOREY: The right hon. Gentleman is aware that there are other boroughs and districts in the country who have for years proportionately spent quite as much on police superannuation as the City of London. The City of London spends at the present time only £11,818 per annum, but the County of Lancaster spends £14,901; the North Riding of Yorkshire, £10,210; the City of Liverpool, £10,764; and Manchester, £6,405. These districts desire to be free from Government control in this matter. They want to be treated as men, and not as children in leading

strings, and I ask, supposing they are willing to forego their share of this filthy lucre, ought they not to be excluded.

(5.23.) MR. MATTHEWS: I am aware of the facts to which the hon. Member refers, but I would be no party to depriving any of these localities of their share of this money.

(5.23.) MR. STOREY: The right hon. Gentleman knows that English people get on very much better when left alone.

(5.23.) THE CHAIRMAN: The hon. Gentleman is discussing a point which is not now before the Committee.

MR. STOREY: I will take the answer, Sir.

Amendment proposed, in page 3, line 39, at the end of the line, to insert the words, "other than the City of London." (*Mr. Storey.*)

(5.24.) Question, "That those words be there inserted," put, and agreed to.

Clause 4.

Amendment proposed, in page 4, line 4, to leave out from the word "so," to end of Clause, and insert the words "distributed and applied shall remain to the credit of the local taxation accounts." —(*Mr. Chancellor of the Exchequer.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

(5.24.) MR. E. ROBERTSON (Dundee): Supposing the Scotch Police Act fails to pass this year the proportion allocated to Scotland would, I suppose, be sufficient to meet all requirements.

MR. GOSCHEN: Yes.

(5.25.) MR. STOREY: The clause as it stand enables these municipalities to receive money which has to be distributed and applied to superannuation in accordance with a Bill hereafter to be passed. That Bill may not be passed this Session at all, and I hold that it is improper and unconstitutional to appropriate money in one Act which can only be applied by another that possibly may not be passed until a future Session. It is a pity that a Conservative and Constitutional Party should need to be reminded of the desirability of adhering to constitutional methods by an extreme Radical.

(5.26.) Question put, and negatived.

Question, "That those words be there inserted," put, and agreed to.

Question proposed, "That Clause 4, as amended, stand part of the Bill."

(5.27.) MR. STOREY: I must oppose this clause, but it is unnecessary for me to repeat the arguments I advanced when attempting to introduce Amendments. I must, however, reassert my position, that if the Government propose a Superannuation Fund, and the division of the money rests with the House, it ought to be allocated according to the size of the Police Forces, and on no other basis whatever. The Home Secretary, the other night, said he based the sub-division of the money of the expenditure at present incurred by the different Police Forces on superannuation. I think I am entitled to press on the Government that this is an extremely illusory and absurd basis, for it amounts to this, that the municipalities who have spent most are to get most. Those who have spent least are to get least. That may be very fair, by way of punishment, but the fact remains that those municipalities who have spent most will have less need to spend in the future, and that those who have spent least, and have the least effectual superannuation, will have more need to spend in the future. It should be distributed over the whole Police Forces of the country, according to the size of each Force. In order to give effect to that view, I shall take the liberty of dividing the Committee against the clause.

(5.31.) SIR G. CAMPBELL (Kirkcaldy, &c.): I think it is the case that too much money is given to the Metropolitan Force. The Home Secretary justifies his position by the argument that the distribution should be according to the expenditure of each Force. I consider that the Metropolitan Police Authorities have been extremely extravagant, and the system of superannuation which they have initiated is extremely extravagant. I have the Report of the Home Secretary, which shows that the present system of superannuation will amount to considerably above £500,000, probably £600,000. Because an extravagant system has been initiated, I do not see that a disproportionate amount should be given to the Metropolitan Police in

order to cover this extravagant superannuation system.

MR. GOSCHEN: The hon. Member for Sunderland has confined his observations into a very short space, and I put it to him whether he will not content himself with a protest, and avoid consuming the time which would be occupied in a Division.

MR. STOREY: I have incurred the censure of the right hon. Gentleman in reference to the Savings Bank Bill, and I would not like to fall under his double censure. I have no objection to be content with the protest I have made.

Question put, and agreed to.

Clause 5, agreed to.

Clauses 6 and 7 omitted.

Clause 8.

Amendment proposed, in page 5, lines 22 and 23, to leave out the words "if an on-licence."—(*Sir Wilfrid Lawson.*)

Question proposed, "That the words proposed to be left out, stand part of the Clause."

MR. GOSCHEN: As the Government have chosen to omit this clause, it will not be necessary to discuss any Amendment in detail before we move the omission.

SIR W. LAWSON (Cumberland, Cockermouth): Notwithstanding that the clause is to be omitted, we wish to go through with our Amendments. I shall move this one, and we shall do what we can to carry it.

MR. STOREY: This is a Government clause, but the Government have never had any affection for their own offspring, and they do not wish to press it. But we are too fond of the offspring of the Government to permit them, without considerable debate, to slay their own child. There is no earthly reason why the clause should not be accepted by the great body of the House. If there is any objection at all, it must come from hon. Gentlemen opposite. I venture to assure the right hon. Gentleman that any proposal to withdraw this clause will not save time, but will have the effect of causing prolonged discussion.

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): It is obviously impossible for the Government to discuss this Amendment, for the very reason that we are asking the House to omit this clause. What we propose is to accept the Amendment.

Question put, and agreed to.

SIR W. LAWSON: I beg to move in page 5, line 23, after "granted," to leave out all the words to the end of clause. The House will see that the effect of the Amendment is that all these exceptions shall be left out. I want to leave them out, because I believe that if they are retained things would be left very much as they are now. It would be a valuable clause if these exceptions were left out, and it stood "That there shall be no new licences granted." If the Government accept this, they could put in a proviso that the clause should only be enforced for one year or two years, just as Mr. Bruce did when he brought in his clause. If they accept the Amendment, they would then be able to carry out the clause.

Amendment proposed, in page 5, line 23, after the word "granted," to leave out all the words to end of clause.—(*Sir Wilfrid Lawson.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

*(5.45.) THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): The Committee must not be in the slightest doubt as to what the course of the Government is going to be when I say that we shall accept this Amendment, and that upon the clause as amended being put, we shall vote against it. The clause as it originally stood in the Bill, along with other clauses, was fair and proper as part of a series of clauses for dealing with licences. The other clauses have been omitted, and if this clause were now left in, it would not form part of a scheme, and would be isolated, and without anything in the Bill germane to it. The leader of the House some weeks ago stated what was the policy of the Government in respect to this clause. If there had been a disposition on the part of the Committee to accept the clause practically as it stood, even though it was not germane to the Bill, the Government, in face of a strong expression on the part of the House,

would have raised no objection. But instead of the suggestion of my right hon. Gentleman being regarded with favour, and hon. Members doing their best to pass the clause, a considerable number of Amendments have been put upon the Paper.

MR. STOREY: Your own side.

*MR. RITCHIE: I do not care; I am not regarding the question as from one side of the House or the other. I want to avoid any discussion of that kind, tempting as it is. I will mention a few of the questions which are dealt with by these Amendments. One class of Amendments has for its object the omission of the whole clause, because it would create a very great monopoly. Another point raised is that an increased duty should be put upon licences. There is another enormously important question—and that is, the repeal of the law with regard to removals. Some desire to do away altogether with the possibility of removing licences from one house to another. That is a very arguable question. Then there is the policy of exceptions to the non-issue of new licences, and again whether the interest in the licence shall be restricted to the owner of the licence. That is a point which has been very fruitful of discussion. Another point raised in these Amendments is that the licence ought to expire with the lease of the house to which the licence is granted. Another point is that licences, if granted at all, ought to be paid for by some money payment to the Local Authority. Yet a further question is the vesting of absolute discretion in the Local Authority to refuse the renewal. Of course, we know there is a contention that the Licensing Authority has that discretion now. I am not going to argue that question at present. Then there is also the whole question of compensation involved in these Amendments on the Paper. Therefore, I think the Committee will see that, however desirous the Government might be of proceeding with this clause, with these Amendments on the Paper, there is no hope that the Committee would be unanimous on the subject, and we should inevitably be called upon to discuss all these Amendments, some of them involving very great matters of principle. Under all these circumstances, the Government have been driven to the conclusion that it would be impossible to ask the Committee to proceed with this clause.

THE CHAIRMAN: The right hon. Gentleman explained that, in accepting the proposed Amendment, he was not to be understood as accepting the clause. The discussion on the proposed Amendment ought to be confined to the proposed Amendment. The discussion on the general question of the clause will take place when the Motion is put from the Chair, "That this clause stand part of the Bill."

SIR W. LAWSON: Certainly, Mr. Courtney; but I was only going to observe that, having accepted my Amendment, all the other Amendments are gone, and there can be no talk about them. I am very pleased with that result, and the clause as it stands is a very good clause, and we shall do our best to carry it.

(5.55.) Question put, and negatived.

Question proposed, "That Clause 8, as amended, stand part of the Bill."

*MR. RITCHIE: I am greatly obliged to you, Mr. Courtney, for having permitted me to say what I did with regard to the Amendments. I was extremely anxious that the Committee should not be misled. I have stated the reason why we cannot accede to the passage of the clause. The hon. Baronet has said that all the Amendments are disposed of, but I am sure he will understand that the only reason why the clause has been allowed to assume the position in which it is, is that the Government have expressed their intention of opposing the clause, and every one of those gentlemen who have Amendments on the Paper would be entitled to complain that there had been no opportunity to discuss his Amendment if we accepted the clause in its amended form. We now propose to oppose the amended clause.

MR. STOREY: We are now in a position to test the *bonâ fides* of the Government in the matter of temperance. Here is the clause as amended:—"After the passing of this Act a new licence shall not be granted." The Government told us that they were against the present state of things, and that they were extremely anxious to do something for the cause of temperance. I listened

with amazement to the right hon. Gentleman, who said that this clause was an isolated clause. It fulfils a very important function. The Government have told us that they are extremely anxious that the granting of new licences should be curtailed and curbed. Here is a clause which will prevent the granting of any new licences throughout the whole country. I submit to the right hon. Gentleman that if he opposes this simple suspensory clause to-night, it will then make it all the more incumbent in the very next year to deal with this whole matter. The clause is an excellent one as it stands. It will need amendment next year. That is the inevitable issue of all clauses and Bills passed in this House. Inasmuch as it is a good clause in itself, I submit that we ought to take the opportunity of voting for it, and thus get the matter out of the way. It will be our duty to show that, at any rate, the Government have not been in earnest in the matter.

(6.0.) MR. E. ROBERTSON: My hon. Friend must not be supposed to be speaking the universal sentiment of hon. Members on this side of the House. I am bound to confess that if the Bill had remained in its original state, I should have opposed this clause, and placed an Amendment on the Paper with that object. This clause is now irrelevant to the Bill—so irrelevant that if it had been moved as a new clause, I imagine it would have been altogether out of order. As it stands, the clause is a flat and bare prohibition of the issue of new licences—I will not say naked and brutal—a phrase which has been current in the House during the last two or three days. What is the first and necessary result? It is the creation of a new monopoly. It means an increase of the monopoly value of the licences now in existence. What has been the great difficulty of the House in dealing with this temperance question all along? Has it not been the value vested in existing licences through the restrictions at present in operation? The hon. Baronet the the Member for Cockermouth in his desire to curtail licences has forgotten a great number of very useful things—among them the public interest in this licensing question. It is not in the interests of the country that this enormous endowment should be conferred upon those who own licences. We have had denunciations of the owners of licences, and of those who control the owners of licences. We are told of immense fortunes made by brewers and others who own tied public houses. It is the Temperance Party who, through their ill-considered restrictions, are responsible for these monstrous fortunes. The great question of temperance reform is whether the monopoly value caused by these restrictions is to go into the pockets of the publicans, the brewers, and the distillers; or whether, being public money, because it is a monopoly caused by restrictions, it shall be applied to the public. That is a solution of the question which has been adopted in many of the States of America.

MR. STOREY: I refer my hon. Friend to the Reports now before the House.

An hon. MEMBER: What State?

MR. E. ROBERTSON: Philadelphia, Chicago, and many others.

MR. STOREY: I know how various the systems are, and I wish to know what State he is referring to.

MR. E. ROBERTSON: The States are so numerous that I did not stay to name them. The high licensing system is one which prevails very largely in the United States. I may inform my hon. Friend that I wrote to the Foreign Office to get the best available information with respect to the system prevailing in the United States; and the right hon. Baronet who represents the Foreign Office in this House most courteously acceded to my request; and the result is, the two Reports which may be seen in the Library. I am not going to discuss the high licensing, but I am certain that the broad result of official opinion in those two Reports is, that high licensing is the best road to temperance, and that it is taking the place of the prohibitory movement. There is a concensus of opinion that it not only promotes temperance in the best way by suppressing the worst class of public houses, but that it preserves to the public that public endowment which is created by restriction. Much as I respect the principle of my hon. Friend the Member for Cockermouth, I will not aid him to bring it about by the wholesale endowment of the very class he denounces. Something has been said about moving the Amendment to facilitate the passage

of the clause. To my mind, the removal of all restrictions from the clause makes it not less, but more objectionable, because it makes the prohibition unlimited, and more peremptory than it was before. Let me say that we, who dare to call ourselves friends of temperance, wish to leave the regulation of the liquor traffic to the people who are affected by it. We want to leave to the community the power of dealing with the liquor traffic in that community. In other words, we are Local Optionists. Where is the Local Option in this clause? It is Imperial prohibition of all licences.

SIR W. LAWSON: Hear, hear.

MR. E. ROBERTSON: Well, it is a very good thing; but it is not Local Option. We who have supported the temperance movement are really Local Optionists, and we want to leave the community to deal with this question. Sir, I am constrained much against my will to follow the right hon. Gentleman the President of the Local Government Board on this occasion in opposition to his own clause.

*MR. RITCHIE: It is not my clause now.

MR. E. ROBERTSON: The right hon. Gentleman is responsible for the existence of the clause. But I shall not quarrel with him for that, and shall assist him in opposing it.

*(6.10.) MR. T. W. RUSSELL (Tyrone, S,): I think the Division that will take place to-night will clear the air for temperance reformers in this House. We have been considerably mixed of late. I, for one, certainly welcome this Division which will draw a distinction between mere sentiment and active temperance work. Now, I stood by the Licensing Clauses of the Government when it was unpopular to do it. I am not going to run away from them now. I think this is the best clause in the Bill, and I think it is immensely better as amended than it was before. The right hon. Gentleman has got rid of all the difficulties, a list of which he read, by accepting the Amendment of the hon. Member for Cockermouth. The simple issue now before the House is whether new licences are to be granted or not. The hon. Member for Dundee objects to this proposal because it creates a monopoly. The monopoly is created already. There is a ring drawn round the traffic now, and the hon. Baronet says that no more shall enter that ring. Another mistake the hon. Member fell into was this: He taunted the hon. Baronet with Local Option. But the hon. Baronet has never professed to be a mere Local Optionist. He has merely used Local Option as a means to the end, the prohibition of the traffic. He objects as a prohibitionist to the creation of any further licences. The Government have made up their minds, and I am with them, that you will not be able seriously to diminish this traffic in future without compensation. Now that having been resolved upon by the Party opposite, I put to them this question: If you are going to compensate these traders in future—and I admit it is very hard you should be compelled to do it—why are you creating any more of them? We are told that there are new neighbourhoods, and why should they not have licences? What are the facts relating to new neighbourhoods now? They are places where the people fight against licences being thrust upon them. As a matter of fact, the landowner has power to prevent new licences being granted, and that power has been exercised all over the country. The real fact is, the country is deluged with drink; the liquor shops are everywhere. I shall vote for this clause all the more that it has been amended, and the Division will, at all events, tend to separate the sheep from the goats, and allow the Temperance Party to know who is who, and who are the real temperance reformers.

*(6.15.) MR. KELLY (Camberwell, N.): As I voted against the other licensing clauses of the Bill, I wish to explain why it is that I vote against this one as it now stands. In my judgment, the hon. Member for South Tyrone fell into two strange errors. He said that this clause does not create a monopoly because a monopoly already exists. But what is the value of that monopoly? If you had no further new licences granted, would the hon. Member for a moment suggest that the value of existing licences would not be enormously increased? Where you have a growing population, the demand for drink will become year by year greater; and if the number of houses is restricted, inevitably it must follow that a larger quantity of drink must be consumed in the houses which remain, and that the value of those

houses must thus of necessity be increased year by year. He says that compensation must be given, and he must know that the more licences you grant the more compensation you will have to pay. I decline to accept that view.

MR. T. W. RUSSELL: I said quite the opposite.

*MR. KELLY: I say no compensation need be given. Without confiscating the property of the publican, you may avoid, and easily avoid, paying one farthing in money. But then the hon. Member has entirely forgotten what the proposal in Clause 9 was. Clause 9 must be taken with Clause 8, and the object of both was to considerably limit the number of public houses. There can be nothing simpler and bolder than Clause 8 as it now stands. It simply says that new licences shall not be granted. I regret that what the right hon. Gentleman the President of the Local Government Board has to-day said was not stated before, namely, that the Government might have persisted in Clause 8, had it not been for the string of Amendments put down to it. Had he said this before, the great bulk of those Amendments would have been withdrawn, and this clause might very well then not have been lost. Not that I believe it would have made much difference with the hon. Baronet the Member for Cockermouth. He has destroyed what I believe would have been a most useful clause, and one which would have done more for the cause of temperance than anything else I am able to suggest. He has emasculated it; and he is prepared, as all temperance leaders are, to accept any amount of responsibility in that direction. I lament to think that he has struck one of the saddest blows at temperance that has been delivered by any man in this House or outside of this House. The prohibition of further public houses, which prevents the extinction of hundreds of houses by way of removals, will do nothing but aggravate —seriously aggravate—the present system, and I do not think any honest, or rather real—for I do not wish to question the sincerity of the hon. Baronet the Member for Cockermouth — friend of temperance can vote for the clause, which is not now the clause of the Government, but the clause of the hon. Member for Cockermouth.

(6.20.) DR. CLARK (Caithness): I do not know whether I am an honest and real friend of temperance, only I do not know what my hon. Friend (Mr. Robertson) means by temperance. I heard him with astonishment, because he generally advances logical reasons for the course which he adopts. The monopoly that now exists will not be increased in value by the adoption of this clause. The value of the monopoly will be lessened, because by every new licence you create you increase the amount of compensation. The brother of the right hon. Member for Mid Lothian fought out this question in Liverpool many years ago, and my hon. Friend the Member for Dundee perhaps takes the same position as was taken then—that, is free trade in liquor.

MR. E. ROBERTSON: What I am advocating is not free trade in liquor, but the high licensing system.

DR. CLARK: One result of increasing the monopoly would be that you would have an increase of crime, pauperism, and premature death. As a matter of fact, the supply of your houses causes the demand, and hence you have an increase in the traffic, and hence you will have more to pay in compensation for those licences than you would have to pay now. Some of us do not call ourselves temperance men because of the meaning attached to the name. The hon. Baronet the Member for Cockermouth is not a temperance man; he is a prohibitionist, and he wishes to obtain prohibition by Local Option, as that is the easiest way to obtain it. I myself think that the only solution of this question is absolute prohibition of the importation, manufacture, or sale of intoxicating drinks. We are told that the public interests are not considered. But that all depends upon what the public interests are. If by a traffic the pauperism, crime, and premature death of the country are increased, then that seriously affects the public interests. Under the high licence system, what would my hon. Friend do with the money that went to the State? Would he use it for the purpose of buying them out?

MR. E. ROBERTSON: Certainly not.

DR. CLARK: If, as in Norway and Sweden, you find that the money so obtained has to be expended in remedying the results of the traffic, then it is a very bad method and a very bad way of raising revenue. I am very sorry that the Government are not going to support the clause, because it will have the effect of creating more licences to be bought out. The clause ought to be tried for one or two years, and I think the probable result would be a diminution of the evils resulting from drink to a degree so convincing as to induce a continuance of the work not only in the direction of issuing no new licences, but in reducing the present number of licences.

(6.28.) SIR W. HOULDSWORTH (Manchester, N.W.): I confess I regret that the Government cannot support the clause as it stands. I quite understand the reasons which induce them to withdraw the clause as it stood, with the many Amendments standing against it on the Paper. I believe some of the Amendments were very good ones, and might have been very well accepted by the Government. Still, there is no doubt they would have drawn the House into a very considerable discussion which at this time of the Session it is almost impossible for the Government to contemplate. But as the clause has been simplified, I really do not see why the Government cannot accept it. It is admitted on all hands that there are too many licences in the country, and surely the simplest way of beginning to reduce them, if we cannot hit on a plan for reducing those in existence, is, at any rate, not to create any more for a time. Now, the principal part of the clause, in addition to that which we are now discussing, was that relating to special cases and new districts. I think that is a very proper subject for consideration, but I do not press the Government on that. All the great majority of the House wishes is to do something to decide the question. We have not decided yet what we are agreed to do. That is precisely what was the position of affairs in 1871, when the House, without a Division, I believe, decided to suspend the creation of new licences for one year, in order that the country and the House might have time to consider the whole question. That is the position in which we now are. If the Government cannot accept the Amendment as it now stands, I hope that they will accept it with a limitation to one year. I am not surprised at the Government not caring to enter on this burning question; but, still, it must be settled one way or the other. I do hope the Government will consider whether they can accept the Amendment with the limitation I have suggested; if they do not, I shall certainly have to go into the Lobby against them.

(6.33.) MR. SYDNEY BUXTON (Tower Hamlets, Poplar): I think that no new licences should be granted. The only argument advanced against the retention of this clause seems to be that the refusal to grant new licences will create a greater monopoly in the liquor trade than at present exists. But I hold that the larger the number of houses licensed for the sale of drinks the greater is the amount of intoxicating liquor consumed. We are not, however, discussing that point this afternoon. Never, I think, have any Government made such propositions with reference to compensation as were made by this Government at the beginning of the Session. I contend that if we agreed to the retention of this clause less compensation would have been paid than if the clause were rejected. Whatever may be the monopoly, there is no doubt that there would be a larger demand for compensation for four houses than if there were only three. We on this side of the House desire to retain this clause. We believe it will be a step towards a diminution in the consumption of intoxicating liquors. We do not believe that this increased monopoly will really entail a larger amount of compensation, because, when the question of compensation comes to be argued, the question will turn upon the amount of profits made.

(6.36.) MR. MARK STEWART (Kirkcudbright): I have taken a somewhat prominent part in advocating the retention of these licensing clauses, and I hope that the Government will leave this an open question, for there are many of their supporters who would like to see this clause retained, and who would very much regret having to vote against them.

(6.37.) MR. COGHILL (Newcastle-under-Lyne): There are many hon.

Members on this side of the House who are in favour of the retention of the clause, and who will be obliged to vote against the Government if they persist in seeking to omit it.

(6.38.) CAPTAIN BOWLES (Middlesex, Enfield): No doubt those who are in favour of prohibition would like to see this clause retained in the Bill. Many hon. Members are in favour of dealing with this licensing question by means of Local Option; but if the Government retain this clause in the Bill, they will be practically shutting the door to trusting localities in this matter hereafter. I think each locality might be left very well to decide for itself what public houses shall be retained in its midst. There is one important point which seems to be overlooked, and that is that there are many brewing firms who have nearly a monopoly of public houses in given districts; and I cannot help thinking that if this clause were passed, the result would be to secure their monopoly, and they would thereupon treat the public to inferior drinks. Some hon. Members laugh at that suggestion, but bad as good beer may be, bad beer is a great deal worse. With these few remarks I will conclude by expressing the hope that the Government will persist in their proposal to withdraw the clause.

*(6.40.) MR. J. C. STEVENSON (South Shields): No one, I think, will venture to say that our present licensing system is satisfactory; and any proposal to arrest the system of a single year in order to clear the way for a new departure should, I think, be heartily welcomed. I fail to see why the Government should not for a single year suspend the system, and next year endeavour to deal with this most difficult question in the way in which it should be dealt with. The clause as it originally stood in the Bill, while permitting new licences in certain circumstances did not provide that the additional value given to the premises by such licences should be the property of the public, but created new interests in private hands.

*(6.42.) MR. LENG (Dundee): I had not the advantage of hearing the reasons adduced in support of the Motion by my hon. Colleague the senior Member for Dundee on this clause; but, regarding it as a practical question, it appears to me it is most desirable that we should avail ourselves of the opportunity this proposal of the Government gives us to put a check on the means for the sale of drink. I have no doubt that before this clause was proposed by the Government it was very carefully considered, and it appears to me that the reasons which then existed for its introduction in the Bill must remain as valid now as then. If anything could have induced me—and at one time I wavered in my mind as to the course I ought to take—to have supported the Compensation Clauses in Bill, it was this suspension clause. It seemed to me that to impose a limitation upon the continual growth of public houses was a most desirable object; that it was the one bright spot in the Bill which counterbalanced its faults. I still think it is most desirable the Bill should contain some such enactment Let us try and adopt the view of the hon. Baronet opposite, and, at all events, let us endeavour for one year—and after the excitement of the last few weeks we need a little time for reflection—to see what would be the effect of suspending the issue of new licences. If we only make that experiment for one year, it will give us time to formulate our views with regard to the legislation of the future. I shall, under these circumstances, vote for the retention of this clause in the Bill.

(6.45.) MR. JOHNSTON (Belfast, S.): I wish to join in the appeal to the Government to retain this clause. I have consistently supported them throughout the Session in all the important Divisions. I trust that the Amendment proposed by the hon. Baronet on this side will be accepted, and that the Government will see their way to retain the clause in the Bill, and thus avoid the painful necessity which would be thrown upon some of us of voting against our Party.

*(6.46.) MR. RITCHIE: Some weighty reasons have been given by my hon. Friends in favour of the clause, but the reasons which prevent the Government from accepting their advice are of considerably greater weight. I do not think I was bound to put a notice on the Paper, because some days ago I gave full and adequate notice that I should move the omission of the clause. The Govern-

ment have accepted certain Amendments, and the consequence is that the proposal now before the House has assumed an extremely simple form, but it might be argued that it is an extremely objectionable form. If the clause were retained, it would prevent the issue of any new licence for an hotel or any other place, though absolutely wanted; it would prevent the granting of a licence on removal, and no renewal of an old licence could be given. Therefore, the Government cannot possibly assent to the clause. To accept it would be a gross breach of faith. In consequence of the position which the Government have taken up, many hon. Gentlemen have been prevented from moving Amendments, and, therefore, if the Government accept this amended clause, it would be a breach of faith. It has been suggested that we should accept the Bill for one year, but it is impossible for the Government to hold out any expectation, as has been suggested, that they will legislate on the subject next Session. They will have much to do next Session, but among their measures they do not include the re-arrangement of the licensing system. It will, therefore, be impossible for them to accept the proposal to confine the operation of the Bill to one year. I very much regret that in this matter we cannot have the support of some of my hon. Friends behind me, but we must adhere to our proposals.

(6.49. MR. BRYCE (Aberdeen, S.): I have heard with great regret the statement of the right hon. Gentleman. I do not think it lay with the Government, after having consented to Amendments, to say that they could not accept the clause without being guilty of a breach of faith. The better course would be for the Government to say what modifications they think will be absolutely essential for the proper working of the clause, and allow the House to consider it in that form. I hope that even now the Government will agree to accept the Amendment of the hon. Member for Manchester. It is quite within the power of the Government to introduce modifications, and I think that the House is so anxious to deal with the question in an effective way that it will be willing to accept less for the sake of getting an improved plan. It has been suggested that the value of existing licensed houses will be increased if no new licenses are granted; but I think that that argument is outweighed by the consideration that if new licences are granted, you create new vested interests. I think the Government will be acting in accord with the feelings of many of their own supporters if they retain the clause and introduce necessary Amendments on the Report stage.

(6.53.) MR. CORNWALLIS (Maidstone): I deeply regret the proposal of the Government to withdraw the clause. I fully appreciate their efforts in the cause of temperance, but cannot support the amended clause in its present crude form. I hope that even now it is not too late for the Government to show the Committee the way out of the difficulty, so as not to leave this pressing question open any longer. The Government have shown, by bringing in the Bill, that they know the evils arising from the liquor traffic, and the time is now near when there must be some restriction on the issue of new licences. It is on that account that I wish to see the Government do something to accomplish the object which so many have in view.

(6.54.) The Committee divided:—Ayes 128; Noes 157.—(Div. List, No. 216.)

Clause 9 omitted.

Clause 10 omitted.

Clause 11 agreed to.

Clause 12 omitted.

Clause 13.

Amendment proposed, in page 8, line 3, to leave out from beginning of line, to end of line 11, page 9, and insert—

"The expressions 'burgh,' 'police burgh,' and 'police commissioners,' have respectively the same meaning as in 'The Local Government (Scotland) Act, 1889.'"—(*Mr. Ritchie.*)

Amendment agreed to.

Clause, as amended, agreed to.

Clause 14 agreed to.

Preamble agreed to.

Bill reported as amended.

Question proposed, "That the Bill, as amended, be considered to-morrow."—(*Mr. Ritchie.*)

(7.10.) DR. CLARK (Caithness): It is necessary that we should have the Bill reprinted in its amended form in order

that we may give notice of Amendments, if necessary, on the report stage. I would ask that the consideration of the Bill be set down for Monday, for we do not now know what we are dealing with; nobody knows exactly what the Bill is in its present shape.

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): The hon. Gentleman must be aware that this was the subject of a question and answer earlier in the evening, and my right hon. Friend the Chancellor of the Exchequer was appealed to last evening to fix Report stage for to-morrow in the event of Committee being finished early this evening. We have undertaken that the Bill shall be reprinted and in the hands of Members to-morrow, and I should be breaking faith with hon. Members if I did not set it down for to-morrow.

DR. CLARK: But if we only get the Bill to-morrow, it will be impossible for us to give notice of Amendments in the usual way.

*MR. W. H. SMITH: I think hon. Members are well aware of the position of the Bill as it stands, and it is perfectly in the power of hon. Members to put Amendments on the Paper this evening without having the reprinted Bill. I am under engagement to take the Report stage to-morrow.

Question put, and agreed to.

Bill to be considered to-morrow, and to be printed. [Bill 404.]

SUPPLY—REVENUE DEPARTMENTS.

Considered in Committee.

(In the Committee.)

1. Motion made, and Question proposed,

"That a sum not exceeding £4,898,551 (including a Supplementary sum of £50,000), be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1891, for the Salaries and Expenses of the Post Office Services, the Expenses of Post Office Savings Banks, and Government Annuities and Insurances, and the Collection of the Post Office Revenue."

*(7.15.) MR. SHAW LEFEVRE (Bradford, Central): I propose on the Post Office Vote to raise a question of some importance in connection with the financial position of the Postal Service. I propose to show that there has been a large and growing increase in the gross Post Office revenue in the last few years, while at the same time there has been considerable neglect and delay in improvement of Postal Service. Few people are aware, I think, of the extent at which Post Office revenue has grown of late years; the figures are rather surprising. In 1860, when the Post Office had recovered altogether from the changes made by the introduction of penny postage, I find the net surplus revenue paid into the Exchequer, after deducting the cost of the packet service, was £440,000. Ten years later, in 1870, the net Post Office revenue had increased to £1,173,000, in 1880 it was £2,225,000, and in the year ending March 31st last the net surplus revenue paid into the Exchequer was £3,335,000. During the whole of that period, with few exceptions, the progress of the increase in Post Office revenue was continuous. In the years 1884 and 1887 there were slight reductions as compared with the previous years in consequence of very large capital expenditure, in the one case in making preparations for the introduction of the system of parcel post, and in the other cases by the purchase of an expensive site for the extension of Post Office and Savings Bank premises in the City of London at a cost of £300,000. With these exceptions, the increase has been continuous up to the present time. During the last four years the increase has been greater than it ever was before. On the average, during the last four years the increase has been something like £200,000 a year, so that in the present year the Chancellor of the Exchequer is receiving about £600,000 more from the Post Office than he did when he came into office. The income derived from the Post Office is six times greater than it was 30 years ago, and three times greater than it was 20 years ago. The question is, has this large increase been obtained by neglect of improvements in the Service, which the public have a right to expect? The hon. Member for Canterbury in a recent pamphlet has enumerated no fewer than 60 different points on which he considers improvements might be carried out, and, without committing myself to all the various items, I feel bound to give it as my opinion that in the very large majority of cases

the hon. Member has right on his side. Irrespective of those specific points, there are certain general heads in which improvement is required in the Postal Service. The means of cross communication, not only between rural districts, but also between towns of considerable importance, are deficient, and as the result letters take two days in transit from one district to another; there are large districts of great commercial importance in which there is no second delivery, and consequently a large proportion of their correspondence takes two days in transit; there are numerous cases in which suburbs of large towns are not included in the town delivery; there are a great many scattered hamlets in which there is no delivery at all and where inhabitants have to send a mile or two for their letters; there are important commercial centres where accelerations ought to be made, and especially of the foreign mails. We had the question raised a day or two ago in connection with the mails to the West of England, and there are other illustrations of the way in which improvements under this head might be effected; and, lastly, the Parcel Post greatly needs simplification and reduction in charges. Of course, all those improvements would involve additional expenditure in the first instance, but the almost invariable experience of the Post Office has been that such increased expenditure is eventually covered by increased income, and that usually in a comparatively short time. There is no question also that the Department has fallen behind in respect to offering increased public facilities, as compared with other countries. I can cite the Permanent Secretary, Sir Arthur Blackwood, as a witness, who, at the Jubilee Memorial Dinner a short time ago, said it was true that some countries which followed us in the postal reforms introduced by Sir Rowland Hill, had in some respects outstripped us in improvements since, and he confessed to some feeling of humiliation when at International Postal Conferences he had been asked if England, so long in the van of postal reform, was now going to take second place. Sir Arthur Blackwood went on to say, avoiding any criticism of the doings of his superiors, that he should like to see the Department administered on something like fair commercial principles to the public at large, offering increased facilities and extending its work in the country. Now, Sir Arthur Blackwood is one of the most loyal and courteous of public servants; he was trained at the Treasury, and has all the instincts of a Treasury official. So that such language, coming from him, is strong support to my contention that improvements and extensions of Post Office work are neglected. Why is it, then, that the Post Office has thus fallen behindhand in respect of improvements? That the Post Office has fallen somewhat behindhand in respect of improvements in the Service is not the fault of the officials of the Post Office. So far as my experience goes, they are still imbued with the traditions infused into the Department by the late Sir Rowland Hill, and it is the fact that from that time to the present almost all great reforms in the Department have been suggested by permanent officials; and in this connection I might mention the names of Mr. Scudamore, Mr. Tilley, and others, and I believe there are men now in the Service quite as able and quite as willing to institute improvements and reforms as the men I have mentioned. I do not believe it is due to my right hon. Friend the Postmaster General. I think my right hon. Friend himself must be conscious of the need of improvements in many directions. The Postmaster General is controlled and restrained by the superior powers at the Treasury, and I cannot but think that of late years the power of the Treasury over the Post Office has been increasing, and that the tendency has been to convert the Postmaster General into a subordinate officer of the Treasury. I cannot but think that it was to the Treasury my right hon. Friend referred when, at the jubilee dinner, he spoke of the progressive and reforming spirit of the Department being checked by the influence of his partner "Jorkins." It is, no doubt, a fact that the Treasury is supreme in all matters of Post Office expenditure. The Chancellor of the Exchequer, as guardian of the public purse, and wishing, no doubt, to add to the income of the country, practically overrules the Postmaster General in all the applications which the latter makes to him. It is a fact that the Postmaster General cannot spend a single penny of the money which

he receives from the Post Office on improvements of any kind, small or large, without the previous consent and approval of the Treasury. In all questions of extensions of offices, new branches, improvements of service, and additional deliveries, the Post Office is under the strictest rules laid down by the Treasury not to incur any expenditure until it can be shown that it will be accompanied by an increase of income sufficient to meet the increased expenditure. With regard to local improvements and more important matters, the consent of the Treasury has to be obtained, and I think I am right in saying that when a question goes to the Treasury it is perhaps necessarily regarded, in the main, from a Treasury point of view. I do not doubt that the right hon. Gentleman the Chancellor of the Exchequer, to some extent, takes into account the requirements of the public and the necessities of the Service; still, it is only in human nature that the right hon. Gentleman should consider the interests of the Exchequer from a revenue point of view rather than the interests of the Post Office from a public point of view. I cannot help remembering that whilst we have seen this continuing increase of revenue from the Post Office on the one hand, on the other we have complants that improvements are not made in the Post Office, and that there is neglect and delay in giving facilities which the public want. The effect of the Treasury curb is felt over the whole Postal Service. The Postmaster General himself does not like to be continually urging improvements on the Treasury when he knows that a large number of them will constantly be refused, and there is the same feeling among the officers of the Post Office below him. This affects also the question of economies which might be carried out, because there is a feeling among the officials that the money saved by economies is not used for the benefit of the Service, but goes to swell the Treasury surplus; and it is only human nature, therefore, that the Post Office officials are not so eager to effect economies as they might be if the savings effected went towards improvements in the Post Office itself. I think I am right in saying that, as a matter of fact, no other country in the world makes the same income out of its Post Office that we do. In some countries the expenditure is greater than the revenne.

MR. HENNIKER HEATON (Canterbury): That is the case in every country but one.

*MR. SHAW LEFEVRE: Yes, in no case but our own is there any considerable revenue made out of the Post Office. I cannot but think that some change is necessary in the relations between the Post Office and the Treasury which will give a freer hand to the Postmaster General in the institution of improvements in the Post Office itself; and that there should be a fixed limit to the income to be derived from the Post Office, so that facilities of all kinds to the public may be increased. I do not suggest that the whole surplus income should be given over for improvements in the Postal Service; that would mean a large increase of taxation in other directions, and I am not in favour of such a course. The surplus for this year is £3,335,000, from which there is to be deducted a certain amount of expenditure on buildings amounting to about £140,000. I am content to put the limit at £3,000,000 a year. I should not propose that the limit should be statutory, but rather a Parliamentary and Departmental one; that there should be a general understanding that only £3,000,000 should be paid over by the Post Office to the Treasury. The suggestion which I make has met with the general approval of Chambers of Commerce throughout the country, and I think that the Government would do well to adopt a suggestion of this kind. The Chancellor of the Exchequer, in the interests of the public revenue, would do well to consider this matter, because he cannot but be aware that there is a growing discontent in commercial circles at the neglect of improvements which characterises the Post Office. During the last few years the increase in the surplus has amounted to £200,000 or £300,000 a year.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): During the last five years it has only been about £100,000.

*MR. SHAW LEFEVRE: I admitted at the commencement of my speech that in 1884 and also in 1887—in consequence of the very large capital expenditure in

1885 on the preparations for the Parcels Post, and in consequence of payments to the extent of £300,000 having to be made for sites and the increase in the Post Office Savings Bank business in London—there was a temporary reduction, but I think the fairer way to deal with the matter is to take decennial periods, and I have given the figures for those periods. The Chancellor of the Exchequer cannot gainsay that the surpluses of the Post Office, taking into account the Packet Service has increased from £440,000 in 1860 to over £3,000,000 in 1890. There can be no doubt that the revenue has multiplied six times in 30 years. My belief is that there is a general impression throughout the country that Post Office improvements are being neglected and that postal facilities of all kinds that the public demand are being refused. I believe that unless something in the direction I have indicated is done, the right hon. Gentleman the Chancellor of the Exchequer will risk a much larger and wider demand which may trench to a much greater extent on his surplus. I think, therefore, that in the interest of the revenue he has been receiving for the last few years, he will do well to adopt the suggestion which I have made, and to give a freer hand to the Postmaster General in the disposal of the surplus beyond a certain point, which point, as I say, I am ready to put at either £3,000,000 or £3,200,000.

(7.46.) THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): The right hon. Gentleman has given some interesting statements of what he considers to be the views of the public generally, and also the views of the Postmaster General and the Secretary to the Post Office. I understand that the speeches he quoted of the Secretary to the Post Office and of the right hon. Gentleman the Postmaster General were both of them after-dinner speeches, and we are apt sometimes to allow a little latitude for the imagination under such circumstances. The right hon. Gentleman opposite desires, apparently, to fix some limit to the net revenue which is to be derived from the Post Office, and I gather from him that his object is that the balance of revenue received above a certain sum shall be expended in making improvements in the Postal Service generally. But neither the right hon. Gentleman nor the Committee need trouble themselves about fixing a limit of revenue, because although during the last two or three years the revenue has shown a tendency to increase, yet the figures show that there has been an enormously increased expenditure in recent years on the improvement of the Postal Service; and I may say further—speaking as I do with some knowledge of the applications which have been made and are being made to the Treasury for increased expenditure—that within the next few years there must be a very large increase of expenditure in providing additional accommodation for increase of business. These is hardly one of our large towns—nay, there is hardly one of our middle-sized towns—where increased accommodation is not necessary and must be provided within a short time. In London at this moment there are schemes of improvement on foot which will cost some hundreds of thousands of pounds, and the sooner they are carried out the better it will be for the Service. In Liverpool, also, improvements are advocated. I was rather horrified to hear that the Postmaster General had received a deputation, who had suggested that he should buy a site in Liverpool, which I think will cost more than £300,000, and those improvements, and the extensions in connection with them, will involve an expenditure probably of not less than £500,000. In Glasgow, in Edinburgh, in Leeds, and in nearly all the large towns, with the exception of only two or three where additional provision is being completed, a large expenditure is pending which will involve an enormously increased charge upon the Post Office Department. It must be borne in mind that the conditions of the Parcels Post Service have very greatly increased the necessity for additional accommodation, and this accommodation has to be met in some cases at a very heavy charge in consequence of the sites required. Space has to be obtained very often in the most expensive parts of big cities. There has been an experiment made, which I believe the Postmaster General will be able to show has been of great advantage, and which has resulted, so far as London is concerned, in partially separating the great centre for the Parcels Post from those

of the letter post and telegraphs. This expenditure will go on, and I am seriously afraid that the right hon. Gentleman's limit will become automatic from the extension of the Service itself. The right hon. Gentleman gives us figures from which he draws the comforting conclusion that the Post Office revenue is increasing at an enormous rate. He said, however, that in his opinion the Post Office was lagging behind. There is not a single piece of evidence in support of that statement. I do not believe the English Post Office lags behind. I have seen something of it both inside and outside, and I believe it keeps up with the times very well indeed. In the five years commencing 1879 and ending 1884, the total revenue of the Post Office was a little short of £37,000,000, and in the five years ending in the present year, the total revenue was a little over £45,000,000. Therefore, in that period there had been an increase on gross receipts of about £8,500,000, Very nearly the whole of that £8,500,000 has been given in improving the Postal Service, because the net Revenue during the same period has only increased by about £1,000,000. The money has been spent in increasing wages, increasing accommodation, increasing the Mail Service, increasing deliveries, and increasing expenditure in every way. This is a conclusive answer to the right hon. Gentleman, who says there has been nothing done for the improvement of the Postal Service. There has been a very large increase in the wages paid, and there have recently been changes which involve a very large additional outlay. If the right hon. Gentleman thinks the Treasury has within the last two years been exercising any pressure or unduly resisting any improvement which the Postmaster General recommends, and which, after full consideration, the Treasury think it possible to accept, I can assure him he is mistaken. The Treasury has always met the requirements of the Post Office in a reasonable spirit. I think we must, within the next few years, expect a large increase in expenditure; but as far as I know, the relations between the Treasury and the Post Office have never been marked by less friction than is now the case. The Treasury desires to supplement the efforts of the Postmaster General in giving to the country the benefit of an efficient and cheap Postal Service.

(7.55.) SIR W. HARCOURT (Derby): To a large extent I share the sentiments of the right hon. Gentleman who has just sat down. I think the Treasury acts as a very useful governor upon the expenditure of all the Government Departments. I have myself spent a longer time in Departments than at the Treasury, and I know it was the desire of my Department to get as much money as we could. I have no doubt that is more the case with the Post Office than in any other Department. Naturally, an enthusiastically patriotic Postmaster General desires to give the public as much accommodation as he can, and to derive as much credit as he can for so doing, and all the Departments are apt to make extraordinarily sanguine estimates of the results of reductions. Before I was a Member of this House I was counsel before the Parliamentary Committee which considered the purchase of telegraphs. Mr. Scudamore, the Secretary of the Post Office, was confident that he could buy the telegraphs for £3,000,000. I had the honour of being one of the counsel against him, and we took very good care that he did not purchase the telegraphs for less that £10,000,000. Since that time the telegraphs have never paid the interest on that expenditure. Then came our lamented friend, Mr. Fawcett, a great Post Office reformer, who was extremely sanguine as to the results of the Parcel Post in a pecuniary sense, and as to the receipts to be derived from the reduced telegraph rates. I do not know whether the revenue has yet recovered from these reforms. If so, it has barely done so, after the lapse of many years. It is necessary, therefore, to be cautious in these matters, and not to accept too readily estimates which are made as to the economical results of great reforms. Our experience shows that such reforms never have paid. The right hon. Gentleman the Secretary to the Treasury has done scant justice to the remarks of my right hon. Friend the Member for Bradford (Mr. Shaw Lefevre). My right hon. Friend asks us that if a certain fixed sum is exceeded the surplus should go to the public. I think that is fair if the

capital sum is fixed at a fair figure. The Post Office is conducted as a commercial concern, and it is the only commercial concern the Government have ever entered into without enormous loss. One peculiarity about the Post Office is that it is conducted with no working capital. In any other commercial concern any extraordinary demand is met from the capital account. The Post Office has always met capital charges out of its revenue. What I think the Government ought to try and do is to estimate what has been the capital expenditure upon the Post Office. I do not know whether it could be ascertained, but I daresay it could be approximately settled. Supposing the capital is fixed at £50,000,000, if you put the interest at 6 per cent. it would amount on the whole to £3,000,000 a year. The Government might very fairly say they were entitled to a commercial dividend of £3,000,000 a year, and that if they earned more than that the surplus should be given away in additional accommodation to the public. I am perfectly prepared to protect the revenue of the Post Office, and I think that, in a great commercial concern of this kind, there ought to be a fair commercial profit upon the money expended. At present the working expenses are about three-fourths of the gross receipts, and therefore it is a very expensive business to manage. Great demands are made upon the Post Office. I do not at all complain of those made by the hon. Member for Canterbury (Mr. Henniker Heaton). They are all in one direction. They are all abroad. I can understand that in view of his colonial connection; but I would ask the hon. Members to consider the interests of people at home.

MR. HENNIKER HEATON: All their relations are abroad.

SIR W. HARCOURT: There is much to be done at home. Since the reforms of Mr. Fawcett, the telegraph system has not paid its working expenses until, I think, last year. A year or two ago I know it did not pay them by £100,000. The rule is, that telegraphic communication is not given except in places where it will pay. Well, in my opinion, if you have a surplus, your generosity should go rather in the direction of providing additional facilities at home than in giving reduced rates abroad.

(8.11.) THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): I certainly cannot complain of the tone of the two speeches made by the right hon. Gentleman opposite, and I am especially grateful for the support afforded to the Treasury by the speech of the right hon. Gentleman the Member for Derby. The relations between the Post Office and the Treasury, as my right hon. Friend (Mr. Jackson) has said, are extremely pleasant at present. Of course, there must occasionally be differences between a Department which is so extremely active and ambitious as the Post Office, and a Department that must have some regard for the public purse. I can assure the right hon. Gentleman who opened the Depate that the Post Office is not so entirely discouraged as he seemed to think. A great many applications, no doubt, are made to the Treasury. We have been able to grant many of them, and we have been compelled to refuse some. I would point out that there are other objections besides the objection of expense to the great extension of the Post Office, and to the adoption of all the plans proposed to them. I do not think it desirable to increase to any further extent the great army of those who are employed in the Service of the State. An increase of staff often involves an increase of space, and very often the very success of an experiment makes it necessary to secure additional accommodion with the result that any possible profit derived from the improvement itself is eaten up. Both the right hon. Gentlemen opposite have admitted that the sum of £3,000,000 would be a fair estimate of the revenue which might be reasonably claimed by the Post Office, and they have suggested that profits beyond that should be employed for the benefit of those who use the Post Office. But what would happen is this: If you gave away the surplus above £3,000,000, in one or two years, you would probably find in the third year that there was a large expenditure needed for buildings, and the revenue would fall below £3,000,000. There has recently been a great demand for sites, and great additional expense occasionally becomes necessary in connection with salaries. We have had to make considerable increases in the pay

of telegraph clerks and in the remuneration of some of the Post Office *employés*. It has been shown that the growth of revenue has, in the main, been devoted to additional expenditure and not treated as additional profit. The net revenue was £3,000,000 five years ago, and it is now £3,340,000. Therefore, in the last five years the increase in the annual revenue has only been £300,000, while the amount that has properly gone in the improvement of the Service and to improving the position of the Post Office servants has been very much larger. I believe there has been a great misconception on this point. The opinion has been expressed that a very large portion of the increased revenue went to the State; but the figures I have given show that there has been much exaggeration on the subject. I really do not think there is much difference between ourselves on this side of the Committee and the right hon. Gentlemen opposite.

SIR W. HARCOURT: I rather gather from the Chancellor of the Exchequer that, in point of fact, the Post Office has been acting on the principle I laid down, because the profits were £3,000,000 some years ago, and they are about the same now.

MR. GOSCHEN: In 1881-1882 the net revenue was £2,000,987, while in 1882-1883 it was £3,037,000. Therefore, as a matter of fact, the Post Office has practically acted under the check of the Treasury very much as was suggested by the right hon. Gentleman, only they have not done so consciously. They have considered all the matters suggested, and they have assented to those which appear to be reasonable, while they have dissented from some which appear to be too costly. We cannot estimate in advance the cost of an improvement, seeing that the cost will increase with the additional hands required and the additional space which may have to be secured. I am inclined to think that there is force in the right hon. Gentleman's suggestion, that when there is money to spare, it is not at all so certain that the best means of appropriating it is to reduce the ocean postage to one penny. We have paid regard to the sentiment that colonial and Indian postage should be put on a reasonable footing. We have devoted a certain sum to that purpose, but I confess it is fairly open to question whether in some parts of the country there might be an extension of telegraphic communication, even though it was not absolutely remunerative. We have not arrived at a point when the Telegraph Service is remunerative, looking at the enormous sum paid for the telegraphs which was sanctioned by a Committee of the House of Commons on which I had the honour to serve, and on which I divided occasionally in minorites of one and two against the enormous sums which the eloquence of the right hon. Gentleman the Member for Derby was unable to extract from the majority of the Committee. I have always held that the majority of the Committee was over-persuaded to pay twice for the same article. I hope that will be a warning to other Governments to be extremely careful before we embark upon the purchase of these gigantic undertakings.

*(8.23.) MR. BRADLAUGH (Northampton): I have no doubt the few remarks I am about to make will be received with disapproval on both Front Benches; but, nevertheless, I think it is necessary to make them. I am one of those who hold the doctrine that the Post Office ought not to be a tax collecting machine; that it ought to make such charges as will prevent the transmission of communications between citizens, being a tax on those who send them. I contend that any surplus ought to be applied in improvements and not in relief of taxation. I quite agree with the right hon. Gentleman the Member for Derby that facilities at home should be first of all afforded, but what I wish to particularly urge upon the Chancellor of the Exchequer and the Postmaster General is that the wages paid to the lower class of servants in the Post Office are not such as ought to be paid. At present there are very great temptations placed before very poorly-paid men. These temptations are increased by the neglect by the public of the Post Office Regulations. Thefts take place, and expenditure is incurred in detecting and prosecuting thieves. I submit that while the institution is a paying institution, there ought not to be persons paid not only starvation wages, but exposed to special temptation by having valuable property intrusted to them for

delivery. There is no real relief to the nation in getting £3,000,000 from the Post Office and relieving taxation to that extent. The sum would be much better expended in facilities in out of the way districts and on telegraphs in connection with fisheries and other industries which would enable persons to contribute to the wealth of the State, and would produce greater economy in the end. (8.30.)

(9.0.) Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

*(9.3.) MR. SAMUEL SMITH (Flintshire): I have to make an appeal to the Postmaster General on behalf of a new Post Office for Liverpool. The case of Liverpool is a very urgent one. The grievance is one of old standing. The Liverpool Post Office is very much overcrowded, and, besides, it is placed in a very inconvenient situation for trade. The fact, too, that it is overcrowded, renders it very unhealthy for the *employés*. They are crowded together in a most uncomfortable manner, and although the Postmaster has done everything in his power to mitigate their discomfort, there is no doubt that the work has entirely overgrown the premises, and there is great discontent among the *employés* on account of the way they are unavoidably treated. I appeal to the Postmaster General to give serious attention to the grievance of Liverpool in this respect. It has been going on for many years, and has always been getting worse, as the traffic and the Post Office work have increased. I suppose there is no town in the Kingdom whose trade and commerce has increased to a greater extent of late years than Liverpool, and the Post Office work has increased accordingly. Not only is the Post Office overcrowded; it is in a very bad situation. It is situated in a very poor—I may say a low—quarter of the town. It lay close to the Sailors' Home, where seamen are discharged, and which is frequented by foreigners, and everyone knows the accompaniments of such people. It is surrounded by public houses, and all sorts of coarse accompaniments. Many of the telegraphists employed in the Post Office are women, and in leaving the place they are sometimes subjected to insult, many of them being positively in dread of going home in consequence of the character of the surroundings. These facts are already known both to the Secretary to the Treasury and to the Postmaster General, and I think it is time something should be done to provide Liverpool with a proper General Post Office. As regards the general question, I think the *employés*, as a rule, are overworked, and that they ought to be better paid. I do not think the State should employ the cheapest labour it can obtain, but that the wages paid by the State should be ideal wages. That would prevent strikes and disorganisation in Government Departments. I am glad that the Postmaster General has lately made some substantial concessions to this deserving body of public servants. It should be the aim of the heads of Departments to keep the men in a state of contentment, and I therefore rejoice at every improvement made in their *status*.

(9.11.) MR. ATKINSON (Boston): I was glad to hear the hon. Member testify to the good state of trade in Liverpool. It is a condition of things one might always expect when a Conservative Ministry is in power, and if my hon. Friend opposite will only assist in maintaining them in Office, I have no doubt he will continue to have cause for congratulation in this respect. I rose for the purpose of making one or two suggestions to the Postmaster General not of a local character. I wish to raise the question as to the manner in which we Members of Parliament are charged for letters which are re-addressed to us and by which the right hon. Gentleman is sweeping large profits into the common chest. I say it is unfair, especially to hard working Members of Parliament that not only should they be continually receiving letters from their constituents, asking them to vote in a particular way—although if those constituents would reflect upon the consistent speeches which were delivered at election times, as in my own case, they would know in which way the vote would be given—I repeat, I think it is rather hard on them that they should be charged for postage simply because those letters are re-addressed to them when their residence is outside the London area. In my case I have been subjected during the present Session to a fine of about

£20 under these circumstances, and when we see the Department making profits to the extent of millions annually, I think we have a right to call on the Postmaster General to relieve us of that burden. It is his duty, I think, not to endeavour to make profits, but to transact the business of the country cheaply, and to devote any surplus which he may have to facilitate the mail traffic, and to decreasing postal rates.

*(9.15.) MR. CREMER (Shoreditch, Haggerston): A few weeks ago I addressed a question to the right hon. Gentleman the Postmaster General in regard to the Petition which the countermen had forwarded to him; and the right hon. Gentleman, in reply, courteously informed me that he was considering the claims of these men, claims which, I believe, to be just, because they have many thousands of pounds passing through their hands every week, and in the main they are a very high-minded, honourable, and trustworthy body of servants. They are badly paid at the present moment, and the right hon. Gentleman will, I think, admit that their demands are fair and just. I wish now to ask him what decision he has come to upon their Petition,' and whether he is inclined to accede to the request which they have made. There are other matters which I desire to bring before the right hon. Gentleman in no spirit of complaint. The right hon. Gentleman the Member for Derby was, I think, quite correct when he stated that many reforms in the Post Office were needed before we took in hand such changes as has been so frequently and strenuously urged by the hon. Member for Canterbury, who has so near his heart the question of Ocean Penny Postage. Now, I desire to ask the attention of the right hon. Gentleman to the anomalous position in which the people of the United Kingdom are placed in regard to the book post. Hon. Members frequently receive from the Continent printed matter, enclosed in an envelope, which is not sealed, but which is left open in such a manner that officials of the Post Office can in an instant ascertain if the packet contains any written communication. Packages thus sent come at a cheap rate. Yet, if we desire to send similar packages from England to the Continent, we have to pay exactly double what Frenchmen and Germans have to pay in forwarding them to us. I cannot understand why the people in the United Kingdom should not have the same privileges, and not be able to address communications to friends on the Continent at the same rate as people living on the Continent are enabled to do, and I hope the right hon. Gentleman will give that question his serious consideration, and introduce this much-needed reform. A few weeks ago I happened to have occasion to address a few hundred communications to friends on the Continent, and I considered it sufficient for my purpose if the envelope in which the communications were enclosed was cut open as is the custom on the Continent, so as to enable any officials in connection with the Post Office to ascertain if the package contained any printed matter. Had the envelope been sealed, the cost of postage would have been 5d. each package, because it weighed a trifle over the half ounce, and I therefore resorted to this simple and ingenious plan of cutting open the envelope, thinking by that means to secure the privilege of the halfpenny post; but I was informed by the Postmaster in my district that this could not be allowed; that it was absolutely necessary for the envelope to be cut open from corner to corner. I declined naturally to go to the expense of 5d. for each package, and consequently the Post Office lost a revenue of several pounds, simply because this unfortunate restriction was enforced. Another question to which I wish to call attention is that of *carte* telegrams which are in vogue on the Continent, and by means of which a man can send a message for a charge, I believe, of 3d. to his friends through a pneumatic tube, the message being delivered in another part of the city within the hour. Could not we have some such system adopted in this country?

THE CHAIRMAN: Order, order! That question must be raised on the Telegraph Vote.

*MR. CREMER: Of course, Sir, if you rule that this is out of order now, I will defer my remarks upon it until the Telegraph Vote comes before the Committee. In conclusion, I appeal to the right hon. Gentleman to consider whether the enormous revenue which he

derives for the working of the machinery of the Post Office cannot be utilised for some of these reforms? I admit that, in the main, his management of the institution is economical, although, I have had to complain once or twice of *ukases* which he has issued, and which I believe to be tyrannical to the *employés*. It was never contemplated that the Government should make a profit of two or three millions out of this Department. It was never intended that it should be worked for the mere purposes of profit. I think the men employed ought to be better paid than they are. I sometimes pity them for the work which they have to do. For instance, in the office which I occupy, they have to mount 40 or 50 steps in order to deliver my letters, and yet those letters are delivered with punctuality, and the men are remarkably courteous and obliging, although they are underpaid for the labours which they have to perform. We have been frequently told that the rate of wages should be governed by the law of supply and demand. If that doctrine were to be applied to the highest class of officials, as well as to the lowest ranks, well and good. If the right hon. Gentleman will permit me to say so, I think there are many men quite competent to discharge the duties of his office who would be willing to do so at a much lower remuneration than he receives. There are also many other very well paid officials in the Post Office, whose duties might be as efficiently performed at a less salaries than are now paid. I hold that we are not justified in applying this doctrine of political economy to the lower grade of servants in the Post Office and not to the higher grades. I appeal to the right hon. Gentleman to give me an answer to the questions I have raised, and to say whether he is prepared to give these hard-working men an increase of 2s. or 3s. a week in their wages. I should also like to know what step he intends to take with regard to the countermen's Memorial—whether he will introduce the much-needed reform in the book post to which I have referred, and whether he will adopt the system of *carte* telegrams so advantageously and economically applied on the Continent of Europe?

*(9.28.) MR. CHANNING (Northampton, E.): I wish to bring again before the Postmaster General the question which I raised last year, and to ask how far the reforms then promised with regard to the employment of postmen indoor and outdoor on Sundays have been carried into effect? I moved last year a reduction of the salary of the right hon. Gentleman, and he in reply made a very reassuring statement as to the policy of the Department. Will he now tell us what further steps he has taken in advance towards diminishing the labour of rural and urban messengers and of indoor officials on Sundays? The arguments I advanced last year were based on the statements of Sir Arthur Blackwood, that there were still between 1,000 and 1,200 rural messengers obliged to work every Sunday, and I then received an assurance from the right hon. Gentleman that certain sums had been set apart for diminishing still further the number of those employed on Sundays as rural messengers. I hope that to-night he will be able to announce that the Department has seen its way to further reduce the number of men so employed, and that the rule of alternate employment on Sundays has been generally adopted at but a trifling extra cost to the country. With regard to the indoor officials, the facts were still most striking. Of course, the difficulty of reform in their case was much greater, as the skill and knowledge possessed by those officials necessarily limits their number; but, still, we were told that in the provinces many of these officials were working seven Sundays out of eight, and three Sundays out of four, and obviously there was a large margin for reform in that respect. I hope the right hon. Gentleman will be able to state that something more has been done in that direction. The general policy of the Department has been fully discussed, but I cannot part with this Vote without saying that, while I recognise that the Department has been vigorously and economically, and wisely managed in many ways, it is, nevertheless, the duty of any Member dealing with this question in this House to record his opinion that the right hon. Gentleman has not shown that promptitude and tact in dealing with the Post Office *employés* which would have prevented the irritation which has arisen, reaching the point it did; and that, probably, had he seen

his way to the application of these remedies and reforms more rapidly, that action would have saved many good and honest men who went out on strike from being dismissed for insubordination; so that instead of running themselves as they have done, they might now have been earning a fair remuneration and living happily upon it. I sincerely regret that these reforms, good as they are, were not introduced in time to avoid the loss of these men's services. The hon. Member for Haggerston (Mr. Cremer) has made one or two practical suggestions as to the Post Office work I should like to ask one question of the right hon. Gentleman with regard to the method of dealing with registered letters. In the United States, when a registered letter is sent, the sender receives back, through the Post Office, a signed receipt from the receiver. I wish to ask whether the right hon. Gentleman has considered the possibility of introducing such a practice into this country. I think that, if the difficulties in the way are not found to be insuperable, great advantage might be derived from the extra security afforded by this method.

(9.33.) GENERAL GOLDSWORTHY (Hammersmith): I would ask the right hon. Gentleman to go a step further, and do something that would place us in a better position in regard to the general delivery of letters. An hon. Member has said he did not think it desirable that the Government should pay large wages to the postmen; but, for my part, I regard it as somewhat mean on the part of the Government that they should pay the lowest market rate of wages to the servants they employ. I trust the Government will in future see their way to place these men in a somewhat better position. With regard to the remark of the last speaker, that the recent reforms might have been made earlier, I would point out that the time of the Postmaster General, and the heads of other Departments of the State, is so much occupied in this House in answering the wearisome iteration and reiteration of speeches by hon. Members opposite, that they are unable to give the requisite attention to the performance of the duties connected with their Departments. I regret, for my own part, that the Postmaster General could not see his way much earlier than he did to ameliorate the condition of the poorer class of *employés* in the Post Office, but, at the same time, I think there are great excuses for him and for other Members of the Government placed in a similar position. Although Ministers may, under such circumstances, make mistakes, I shall, nevertheless, support them [*Laughter.*] Hon. Members opposite may laugh, but, at the same time, what I have said is a fact which has been proved by experience, and one of which right hon. Gentlemen on the Treasury Bench have just reason to complain. Having said this, I merely wish to ask the Postmaster General whether he cannot go a little further in improving the position of the letter carriers, a matter which, I think, fairly demands his serious consideration.

*(9.35.) MR. J. C. STEVENSON (South Shields): I do not rise to urge the Postmaster General to do anything more than endeavour to make the public better acquainted with the accommodation which the Post Office already affords. I would call his attention to the *Post Office Guide*, a book which is issued by the Department for the information of the public. I think that if the right hon. Gentleman would issue a fresh edition of that book, containing information of a plainer and more simple character, much good would be done. The regulations as to the postal charges on letters are couched in language which is capable of great improvement. The public at present possess means of accommodation which they do not know of. For instance, it is not generally known that an arrangement exists whereby a person, having sent a letter to be forwarded by a foreign mail, may have an addition to that letter or an independent communication forwarded by telegraph at one half-penny a word on payment of the ocean letter postage. I myself sent a letter which left a provincial post office for the mail from Queenstown to America, and, when I asked if what I have just referred to could be done, the postmaster told me that no such arrangement existed, but it fortunately happened that one of the clerks did know of that arrangement, which will be found on p. 417 of the *Post Office Guide*. It is extremely useful that the public should know that by means of a telegram they may overtake

letters going to foreign parts by adding the ocean postage to the inland telegraph charge, but no one would ever find this out by reading the paragraph relating to the matter which appears in the *Post Office Guide*.

(9.37.) MR. HENNIKER HEATON: I have spent much time in investigating the accounts of the Post Office, and I have found that for many years the Surplus Revenue has been nearer £4,000,000 than £3,000,000, as stated by the right hon. Member for Bradford. But the way in which the Post Office accounts are presented is so confusing that it is very difficult for an outsider to understand them. Matters that ought to be kept separate are mixed up with one another in a very unsatisfactory manner. The whole of the expenditure in regard to the purchase of sites, for instance, is charged to Revenue Account by the Post Office Department, a thing which no private firm would do. Again, in seeking to get at the exact accounts, I find that up to a certain period the whole of the packet service was charged to the Post Office General Account, whereas in other countries, such as France, Germany, and America, it is properly charged to a separate account. Another point to which I wish to draw attention is this —that the question of the payment of large sums to foreign Governments in connection with the mail service ought to be submitted to Parliament, which, under the present system, has no means practically of checking or dealing with them. I have no hesitation is asserting that the expenditure of that money without its being submitted to the House of Commons is illegal. The fact is that the Post Office plan of dealing with the accounts would not be tolerated in any large private firm. I am most anxious that the Department should present to the House of Commons a business-like and commercial statement of its transactions. If we had a statement of that character, showing the expenditure on buildings, and the absolute receipts from all quarters, we should have a more satisfactory state of things than at present. The actual Revenue receipts of the Post Office are £13,000,000 a year, while the actual expenditure does not amount to £9,000,000. These facts can be proved by the Treasury statement, but there were no fewer than three different statements of account in connection with the Post Office presented last year, and the whole three differed one from another. I think the suggestion that has been made by the right hon. Member for Bradford, that the surplus above a fixed sum of Revenue should be devoted to the improvement and cheapening of the Postal and Telegraph Services, is a fair one, and should be taken into consideration, but the Chancellor of the Exchequer has evaded the main point, and says it cannot be done, and points out that the Revenue is not so much as we say it is, and that if it amounts to less than £3,000,000, the proposition of the right hon. Member for Bradford would be of no avail. But if you fix the amount at £3,000,000, and the Revenue does not reach that amount, it is only fair to say there is nothing available for improvements; but, if on the contrary, that amount is exceeded, the excess ought to be devoted to improving and cheapening the Postal Telegraph Services. Some compliments have been paid by the right hon. Member for Bradford to the administration of the Post Office. I am not prepared to bring before the House the numerous grievances which justify me in differing from the right hon. Gentleman, but I venture to assert that any officer, however eminent, entering the Post Office, at once becomes as stubborn and obstinate as any official in the country. The moment Sir Rowland Hill entered the Post Office he became an official in every sense of the word—obstinate, obstructive, and objected to every proposal for affording facilities to the public. I need only point to the troubles which arose between Sir Rowland Hill and the Press, especially in the case of the *Times*, to indicate the way in which official obstruction operated. The right hon. Gentleman the Member for Derby said that most of the reforms which I have advocated are directed to improving communication with our people abroad, but the right hon. Gentleman forgets that the profits we derive from such communication with our friends abroad are so large as amply to justify our asking for a small reduction of the rates. From Australia we receive £300,000 a year in small money orders, and from America as much as £1,250,000. I have not the slightest doubt that

before another year is passed my right hon. Friend on the Treasury Bench will be willing to accede to my request for an Imperial penny postage. One of the local grievances we suffer from is the charge for re-addressing letters. Any foreign letter coming to England is re-addressed, if necessary, without charge, whereas an English letter requiring to be re-addressed in this country undergoes an extra charge of 50 or 100 per cent. I understand the Postmaster General is in favour of this change, but his applications on the subject have been refused by the Treasury. I believe it can be shown that considerably more than half the applications made to the Treasury, for even the most petty conveniences, have been refused. It was only in 1888 that I asked the Postmaster General to institute a very small reform, namely, that the charge of 2d. for the receipt of sixpenny telegrams should no longer be made. He promised that that should be done, but four months ago he wrote to me saying that, in accordance with his promise, he had made application to the Treasury, and that the Treasury had refused it. A more humiliating confession I never heard of the sort of petty annoyances to which the right hon. Gentleman is subjected by the Treasury. In another case, a stamp having fallen off a letter a charge of 2d. was made for fixing the unused stamp upon the letter. With regard to the sending of circulars in open envelopes, I have urged the right hon. Gentleman to introduce that reform, but he has been unable to do it. Another reform I wanted is, that the use of postal cards, upon which we can affix stamps, should be allowed. That is a common-sense reform, yet the Treasury will not grant it. I wish to know how long we are to wait for a reform with respect to the supplements to illustrated papers, which are required to bear a date before the Post Office will carry them. Before sitting down I wish to ask when will the reduced rate of postage with India and Australia come into operation? These parts of the Empire have agreed to it, and are anxiously waiting for the great boon to be conferred upon them. There is no difficulty in the matter, and yet we are told, in answer to repeated questions, that all the colonies in the British Empire must agree before it is carried out.

(10.0.) THE POSTMASTER GENERAL (Mr. RAIKES, Cambridge University): I would point out to the Committee that, however interesting and attractive may be the principle that there should be no such thing as a Post Office Surplus, the question is whether the House of Commons would assent to such a principle when it is recognised that the adoption of the policy suggested means additional taxation to the extent of £3,000,000 a year. I must say I think the day is very distant when the House of Commons is likely to accept the very interesting and attractive theory that there should be no surplus derived from working the Post Office, when it is recognised that the adoption of the policy suggested would mean additional taxation to the extent of £3,000,000 a year. The hon. Member for Northampton used an expression with regard to the lower grades of postmen which was, perhaps, rather rhetorical; and he also suggested that their wages are too low to be compatible with honesty. I hope no wages can be too low for honesty in this country. I trust it will never be the case that there will be found working men who will put forward as an excuse for dishonesty that their wages are not so large as they should be.

*MR. BRADLAUGH: I did not put it quite so broadly as that. I think I put it that the temptation to a poor man entrusted with articles of value was more than he could resist when he was underpaid.

MR. RAIKES: I appreciate that view of the case. There have been cases of dishonesty amongst the postmen, but those who are most experienced in these matters assure me that the cases of dishonesty in the service of the Post Office which can in any way be connected with absolute poverty are very rare. Cases of dishonesty are mostly to be traced to bad habits or bad company. Considering the extraordinary amount and value of the property passing through the Post Office the number of offences is extremely small, and the Post Office quite holds its own with the other Public Departments with regard to honesty. With regard to what fell from the hon. Member for Flintshire (Mr. S. Smith) his speech formed something of an object lesson illustrative of the speech of the

right hon. Gentleman the Member for Derby (Sir William Harcourt). The hon. Member found this a suitable occasion to press upon the Government the claims of Liverpool to be provided with a new Post Office, the site for which would cost something like £250,000, and the building £150,000 more. There is, therefore, a demand upon the Post Office surplus for something like £400,000 in respect of one great and wealthy community. I do not at all deny that the Post Office at Liverpool is not in the most convenient part of the town, and I do not believe that the Post Office buildings are the best adapted for the purpose. I should be extremely glad if I could see my way to find a better site, and provide better buildings for Liverpool, but I think that the hon. Member for Flintshire must remain satisfied with this general statement upon my part; and, at all events, it is well that Liverpool should bear in mind that it will be necessary that Liverpool itself should come forward with something in the shape of an offer to get rid of the premises at present occupied, and which, at all events, can be made to do for some years longer, before the Government can undertake the enormous expenditure of providing new premises. I am happy to take the opportunity of correcting the hon. Member's statement as to the insanitary condition of the present building. I have had inquiry made into the subject, and I find the health of the staff of Liverpool quite up to the average of the staffs of ordinary Post Offices. The hon. Member for Boston (Mr. Atkinson) referred to a question which he has frequently mooted in this House, namely, the charge for re-direction of inland letters. I cannot see why letters should be carried free a second journey, which involves exactly the same amount of cost to the Post Office as the first journey. I admit, however, that since letters coming from abroad can be re-directed free, there does seem some injustice in charging for re-direction in the case of home letters. This forms one of the subjects now being inquired into by a Departmental Committee, with a view to legislation early next Session. As to the London countermen, I am glad to inform the hon. Member who spoke from below the Gangway on the opposite side of the House, that, under the new regulations promulgated a few weeks ago, these men will reap substantial benefit, a higher maximum rate of pay being obtainable by those in both the first and second class. As to the question of open envelopes being conveyed at book post rates, the matter is being inquired into by the same Committee, and must, therefore, stand over until next year. I hope to be able next year to make some positive proposal on the matter. With regard to the observations of the hon. Member for Northamptonshire, who pressed me as to Sunday labour, the policy of the Department is continually to diminish Sunday labour, and during the past year I have been steadily pursuing that policy in the case of certain classes of rural postmen. Indoor labour, being skilled, is not so easily dealt with; but, under the new arrangement which has just been sanctioned by the Treasury, sorting clerks in the provinces will, in future, receive extra pay for Sunday labour. There has been some misunderstanding as to the terms of the engagement of these clerks, which are different from those of their London brethren. The provincial clerks are engaged for 50 hours per week, 48 hours on week-days and two on Sundays, while the London clerks are engaged for 48 hours only, and receive extra pay for Sunday labour. Under the new arrangement, therefore, the provincial clerks may be said, in a sense, to be paid for Sunday labour twice over. With regard to the Hammersmith Post Office, which my hon. and gallant Friend (General Goldsworthy) wishes to see raised in rank, if I cannot do all the hon. and gallant Gentleman asks, I hope I shall be able to do something in the direction indicated. As to the question raised by the hon. Member for Shields, the question of simplifying and reducing the tables of postage was the *raison d'être* of the Departmental Committee I have already referred to, and was the first subject I asked them to inquire into. I hope that in that direction also I shall be able to introduce legislation next Session. I do not wish to revive the question of the position of the postmen. The hon. Member for Northamptonshire (Mr. Channing) thinks the recent unfortunate difficulties might have been avoided if I had had more tact. I daresay if the hon.

Member had been in my position a display of tact would not have been wanting. But, at all events, we do our best in the Public Service, and I am inclined to believe, now that we have got rid of the outside disturbing element, that the relations between the postmen and their official chiefs are likely to be of a harmonious and satisfactory character. I speak from the experience of the interviews I have had with the postmen. I think it necessary to say that before the late disturbances I had on the anvil a scheme for improving the position of the non-established Force, which was before the Treasury, and if the disturbances had not taken place it would have been promulgated some time ago. I am happy to say that I have obtained the sanction of the Treasury to my proposals, which I believe will tend to improve the position of the non-established postmen who have remained true and loyal. I wish to correct one misapprehension. It is supposed that the position of the Government is that only the market value should be paid for labour of this sort. Those who sat in the Committee will remember that I laid down a different doctrine the other day. My own view is, that while the market value must be the governing consideration, because we are not dealing with our own money, but with the money of the taxpayers, the taxpayers would wish that, in applying that standard to those in the Public Service, we should always bear in mind that a great Government should treat its *employés* liberally. I have long considered that the wages which the non-established men are receiving, though they may be suitable in the case of boys, are not adequate in the case of adults. The hon. Member for Canterbury (Mr. Henniker-Heaton) has gone over some familiar ground. The hon. Member has dealt with the question of account, which, I am afraid, must remain an open question between him and the Post Office. I only wish I had the surplus the hon. Member would give me. I have, however, to be content with the somewhat smaller surplus which is shown by the official figures. I am inclined to agree with the hon. Member that the purchase of sites should come from capital, but as we have no capital account, that charge must come out of the Revenue of the year. The question of half-penny stamps on cards is one which is occupying the attention of the Departmental Committee. I wish I could state when the new postal rates to the colonies and India will begin; but I am certain the time cannot be long deferred. Certain questions have arisen with regard to dealing with India, and the Committee will understand that if two mails travel together in the same ship, and form part of the same post, it is in the highest degree desirable to deal with them together. I hope that an arrangement with regard to India will be soon completed, and when it is, I shall be glad to announce to the House the beginning of the new rates. I will not inflict on the Committee a repetition of the reasons which have led the Government to decline to adopt a system of Ocean Penny Postage. I think it was rather unfortunate that in this year in particular, when the civilised world has been celebrating the jubilee of the Penny Post, which was established by the exertions of Sir Rowland Hill, the hon. Gentleman should have thought it his duty to speak of that great man as "an obstinate and obstructive official." I hope that those who appreciate the merits of that description of Sir Rowland Hill will be able to discount the value of any of the hon. Gentleman's statements with respect to the present Postmaster General. I thank the Committee for listening to this somewhat discursive speech, and I hope hon. Members will now allow the Vote to pass, particularly as we have before us another Post Office Vote which may give rise to some discussion.

(10.27.) MR. J. ROWLANDS (Finsbury, E.): I do not wish to detain the Committee long, but I think I am justified in occupying some little time on this occasion. I am glad to hear that the right hon. Gentleman has a scheme ready for dealing with the postmen not on the general staff, and I hope it will be a generous one. At the same time, I hope the right hon. Gentleman will bear in mind that there is a strong opinion that that portion of the Service should be kept as low as possible. I was glad to hear the right hon. Gentleman say that good relations now exist between himself and the postmen. I would appeal to him to say whether, the outside element having now gone, he cannot treat the men who, unfortunately,

forgot themselves on a recent occasion, in a generous spirit, and take a very large number of them back into the Service again. I want to know whether, within the past few days, men in the sorting service have been called upon to give an explanation of their conduct for having shown some sympathy with the postmen at the time of the strike. I desire also to ask the right hon. Gentleman whether he can give me any information as to what progress is being made in the consideration of the Memorial which was presented to him by the London sorting staff. The staff are very anxious to have the questions raised in the Memorial settled, especially when they know that the Memorial of another Department, presented after theirs, has been dealt with. Perhaps the right hon. Gentleman will also say whether the female sorters in the Savings Bank and Postal Order Department will come within the scope of the alterations he proposes to make?

(10.34.) MR. MACARTNEY (Antrim, S.): I wish to call attention to the transference of mails at Kingstown and Holyhead. I gathered from an answer made the other day by the President of the Local Board of Trade (Sir M. Hicks Beach), that the service cannot be perfected, because the Post Office and the Railway Companies are somewhat reluctant in assisting the Board of Trade in the matter. The boat service is at present one of the best carried out in the United Kingdom, and I do not think I need do more than call the attention of the Postmaster General to the delay which occurs very frequently on both sides of the Channel, owing to the means of transferring the mails from the trains to the steamers and from the steamers to the trains. I do not press my right hon. Friend for an answer at the present moment, but I would like to call his attention to the fact that passengers and the public at large are much inconvenienced by the present delay in the transfer of mails, and I earnestly hope the Post Office will see its way to use a little effort with the Railway Companies to induce them to carry out the improvement,

(10.35.) MR. BURT (Morpeth): I wish to join my hon. Friend the Member for Finsbury (Mr. J. Rowlands) in his appeal with regard to the men who have recently been dismissed from the Post Office. A few days ago the Postmaster General promised to make an investigation into the case of these men, but he has not, in the speech he has just delivered, made any reference to the matter. Considering the result of that unfortunate dispute, I think the right hon. Gentleman is in a position to act with magnanimity and generosity, and I trust he may see his way to reinstate, if not the whole, a great number of the men dismissed.

*(10.37.) MR. KELLY (Camberwell): I am anxious to put a question to the Postmaster General with reference to the system of opening letters in the Post Office. Hon. Members sitting opposite are constantly in the habit of asserting that their letters are opened, and there are few who have at one time or another darkly hinted at something of the kind. The hon. Member for West Mayo (Mr. Deasy) has asserted that when he went to Australia his letters were opened, and the charge which he then made against a postmaster there had a singular and amusing result, as the Committee will remember. I, therefore, think I am justified in asking the Postmaster General whether there is any truth in these allegations. I feel all the more justified in putting the question because of the remarks of the hon. Member for the City of Cork (Mr. Parnell) made at a banquet given in his honour, of the 28th June last. Speaking of the day of the memorable Division which took place on the 19th June (which he characterised as a critical and snatched Division), the hon. Member for the City of Cork said that had he and his Colleagues known the Division was to be taken they would have been present, and he added—

> "We could not send out a Whip because it is a notorious fact that Government open our letters, and if we had had the time to send out a Whip it would have defeated its object."

There may be times when there is some justification for opening letters, but it is an act which the country would resent very bitterly if done when no real necessity existed for it. As I understand, the opening of letters can only be done on the warrant of the Home Secretary. No one can suggest that there is now the slightest ground for opening letters of hon. Members opposite,

or, so far as I know, at any time since 1886. I wish to ask the right hon. Gentleman if it is a fact that the letters of hon. Members opposite are opened, and whether, since he has been Postmaster General, the Home Secretary has upon a single occasion given his warrant authorising the opening of any letter of any Irish Member?

(10.40.) SIR G. CAMPBELL (Kirkcaldy, &c.): I have put down an Amendment to the Supplementary Estimate, but I do not propose to move it, because, if I did, I should be precluded from drawing attention to a local grievance of my own, which I have already submitted to the Postmaster General. Burntisland is not a very large town, but it is a very important commercial place. As soon as the Forth Bridge was opened it was placed very much in the position of Aberystwith, that is to say, its letters were carried past it, and then sent back later in the day, but too late for business men. I am always for economy, and I know the difficulty the Postmaster General has in dealing with Railway Companies. But, at the same time, up to the present, Burntisland has enjoyed excellent postal facilities, and it is rather hard it should now be placed in a position of peculiar disadvantage. I trust the right hon. Gentleman will consider the matter as favourably as he can. With regard to the Motion I have on the Paper, let me say I think we ought to give to the Post Office servants something more than the market rate. We require these people to surrender a certain part of their civil rights, and we ought to bear that in mind in remunerating them. I have had some official experience, and I am ready to acknowledge that the Post Office took the best stand of all the Departments in the recent disputes. We have been given to understand that the Postmaster General has made some recommendation with regard to the salaries of the unestablished postmen. It is well the right hon. Gentleman should give us some information as to the nature of the increase in wages he proposes, and as to the reason for the proposal. There is one matter I have to express a little doubt in regard to, and that is his proposal that there should be no deduction in case of absence from sickness. I am inclined to think it is an excellent plan that in cases of short and casual absence from sickness no deduction should be made, but we know that people very often stop away on account of sickness, when they know that they are not to lose anything. People who have to make their money from day to day are very slow to lay up. Again, I think the Postmaster General will find that if there is no deduction, a good many men will not take care of their health. There are cases, for instance, in which sickness is caused by men's own fault.

(10.47.) MR. A. O'CONNOR (Donegal, E.): I desire to elicit from the right hon. Gentleman a satisfactory explanation on a point in regard to which I gave him a notice some days ago: it relates to the conduct of the Secretary to the Post Office attending a meeting at Exeter Hall. Some months ago a considerable amount of litigation took place in connection with the detention of children by a Dr. Barnardo. The Court of Queen's Bench at last issued a writ of *habeas corpus*, and intimated to Dr. Barnardo that unless he surrendered or produced the body of a certain child, who had been removed through his instrumentality to Canada, he would be committed to prison. Upon that decision, an advertisement was issued to the effect that a mass meeting would be held in Exeter Hall, on the 10th December, 1889, that Sir Arthur Blackwood, K.C.B., would take the chair, and be supported by a great number of well known Christian workers, that the meeting would be addressed by Dr. Barnardo, who would place before the meeting all the facts in the Gossage case, and that it was earnestly desired that the meeting should be a triumphant rejoinder to the strictures so recently passed by the Court of Law, and re-echoed by the public Press, upon Dr. Barnardo. Knowing the position of Sir Arthur Blackwood, and the constitution in great part of the institution of which he was so important an official, I thought it incumbent upon me to write to the Postmaster General, drawing his attention to the matter. I pointed out in my letter that it was evident an attack was to be made on a portion of the community who are Catholics, and that I felt sure the right hon. Gentleman could not have been made aware of the contemplated action of the Secretary to the Post Office. The Postmaster

General replied to me from Wales. He said he had communicated with Sir Arthur Blackwood, and was good enough to comment upon the temperate and conciliatory tone of my communication. I received the right hon. Gentleman's letter on the 9th of December, and the meeting was held on the 10th. Sir Arthur Blackwood was in the chair, and had, of course, to listen to the speech of Dr. Barnardo. Dr. Barnardo said he was most anxious to avoid making the least reflection on the learned Judges, but he went on to name two Judges, and only two, whom a very large portion of the public knew very well to be Roman Catholics. Speaking of the case of one child, he said—

"In that particular case the mother was a Roman Catholic and the father was a Protestant, or had been before he died. Well, to cut a long story short, I was able to send that child away, so that he could not be got at. I did not break the law, but I got the child away, and he is away now and doing very well."

Further on he mentioned the name of Mr. Justice Day. He said—

"I went back into Court and said to Mr. Justice Day, 'My Lord, we have had these children for years; they are now going to leave us; cannot these lads have the privilege of three or four minutes conversation with them in the corridor alone?' Mr. Justice Day said, 'Certainly not, unless the Solicitor is present.' I put that to you to show that where religious feeling is strong you must remember—I say with all respect—even Judges are but men."

He added—

"If religious prejudice was not behind, you would never have the bitter strictures coming from the Bench that have got into the papers about me."

And so Dr. Barnardo redeemed his promise of making a triumphant rejoinder to the strictures of the Bench. I do not complain of Dr. Barnardo; what I complain of is, the conduct of Sir Arthur Blackwood attending the meeting. In fairness to Sir Arthur Blackwood, however, I am bound to say there is more than one passage in his speech which goes to deprecate any extreme view of his conduct. He said he felt obliged, as a Vice President of Dr. Barnardo's Homes, to be present to show and express his unabated confidence in Dr. Barnardo's work, to stand by his friend, even if he had made a mistake. He also said he had received warning that the leading Roman Catholic newspaper, the *Tablet*, had written to the effect that the facts would be laid before the House of Commons. [*Cheers.*] Well, I can assure the hon. Gentleman who cheers that passage that I am not here to defend the *Tablet*. I do not attach importance to it, and far from considering it a leading Catholic paper, I think it anti-Catholic, and that it has done immense damage to religion. Sir Arthur Blackwood went on to say that it mattered little to him that Roman Catholic Members had expressed an intention to take up the position that his taking part in a public meeting of this kind was evidence of his unfitness to hold the position of permanent head, under the Postmaster General, of a Department employing 100,000 servants, and to deal impartially with Roman Catholic servants of the Crown. He denied that anyone could charge him during the time he had held his official position with having allowed his deep, his extremely deep, religious convictions to interfere for one moment with the discharge of his duty to the State, or to influence him against impartial dealing with any man whose religious convictions happened to differ from his own. Well, I think I have stated the facts of the case. I do not want to blame Sir Arthur Blackwood for his deep religious convictions, and the fact that these convictions are of a particular complexion is nothing to me. On that account he will never meet with the slightest objection or blame from me. My point is this: here is a public official, almost supreme head of a Department in which, as he says, he has 100,000 men under him—and of these a very considerable number belong to that portion of the community which this meeting was called to denounce and charge with conspiracy. I ask, is it possible after this public manifestation of his feelings that officials under him can look to him with confidence, and trust to be dealt with impartially where their religious convictions are known to be different from his own? I do not think it is reasonable to expect it. As a fact, there exists among the Post Office staff very considerable distrust as to their prospects of promotion or fair treatment where the religious feelings and convictions Sir Arthur Blackwood mentioned have any room for play. I desire to emphasise the case in this respect. It was a case in which the head of the Depart-

ment, the Postmaster General himself, had communicated to his subordinate in reference to the matter, and after that communication was made, rightly and courteously made—and so far as I am concerned I have nothing to complain of in the action of the Postmaster General—this meeting was held, a meeting which I say it was utterly unfit for a man in the position of Sir Arthur Blackwood to attend, having regard to the decision of Judges on a most important point affecting the liberty of the subject, and where they had threatened to exercise their jurisdiction in a very extreme manner. Sir Arthur Blackwood went out of his way to attend a meeting advertised as for the purpose of making what was described as "a triumphant rejoinder to some strictures recently passed by the Court of Queen's Bench," and I say that was a line of conduct highly improper. With all due respect to the observations of the Secretary to the Post Office, I beg the Committee to remember that within recent times officials have been subjected to reprimand and punishment because they ventured to openly manifest their presence at meetings of a political character. Not very long ago a customs officer in Norfolk was removed, at his own expense, because he addressed a question to a speaker at a Primrose meeting. Well, if this is the way subordinates are treated, why is the Secretary to the Post Office treated differently? At least there is as much objection to attending a meeting convened to denounce the findings of Judges on a subject which excited a great deal of feeling in the country, as in attending as an ordinary citizen a public meeting. Yet in the one case an insignificant offender is visited with pains and penalties, while Sir A. Blackwood is allowed to go scot free, after attending this meeting in spite of a communication which he had received from the head of his Department. I do not wish to move a reduction in the Estimate, certainly I do not want to embarrass the Postmaster General, or detain the Committee. I should be glad to relieve the right hon. Gentlemen from the many hours attention he has given to these discussions; yet I do wish for a few minutes to prevent this subject being crossed by a number of others of local interest, and to secure this I formally move a reduction of the Vote by £100 in respect to the salary of the Secretary to the Post Office.

Motion made, and Question proposed, "That Item A be reduced by £100, part of Salary of the Secretary to the Post Office."—(*Mr. Arthur O'Connor.*)

*(11.10.) MR. RAIKES: I presume I should not be in order, after the Amendment has been moved, in replying to questions put by several hon. Members relating to other branches of the Vote, and, therefore, I will confine myself to this particular matter. I very well remember the correspondence with the hon. Member opposite on this subject last year, but I confess that until recently I had thought that the hon. Member would have been satisfied with having made a protest against what he regards as an improper proceeding, and that he would not have thought it necessary to bring the matter before the Committee. I am not here to defend the terms of the notice convening the meeting, but Sir A. Blackwood was not in any way responsible for them; he consented to occupy the chair on that occasion because the person in whose immediate interest the meeting had been called is one who is an old friend of his, with whom he has been largely associated in various philanthropic and benevolent works, and he considered that it would be an unmanly act on his part not to stand by his friend when, as he believed, that friend was exposed to a good deal of obloquy, and desired an opportunity of clearing his character. I think it is impossible for any impartial man, reading through Sir Arthur Blackwood's speech, to come to the conclusion that he impugned the conduct of the Judges, or made random or reckless charges against our Catholic fellow-subjects, and I trust there is no such feeling as the hon. Member describes among Post Office *employés* of distrust of Sir Arthur Blackwood's general action in the Department, in consequence of proceedings at that meeting. Roman Catholics in the Post Office have no reason whatever to suspect Sir A. Blackwood of being prejudiced against them. I know that, on a recent occasion, when his Private Secretary was disabled, he secured the services in that most confidential position of a Roman Catholic Member of the Post Office staff. I

think that is sufficient evidence that members of that religion have no right to expect other than fair and generous treatment. I think the Committee will agree with me that, having regard to the feeling which is always excited if there is any attempt to draw tightly the rules which preclude Civil Servants from taking part in public meetings. I should certainly have rendered myself liable to a good deal of criticism, and, I think, just criticism, if I had called upon an eminent public servant to absent himself from a meeting of a non-political character in which he had personal reasons for wishing to make himself an active participator. If the fact of Sir A. Blackwood's presence at this meeting has given offence to any class of his fellow-citizens I much regret it, but I am not prepared to censure Sir A. Blackwood for having done nothing more than exercise one of the rights appertaining to every subject of the Queen.

*(11.15.) SIR R. N. FOWLER (London): As I was present at the meeting and moved a resolution, I may be allowed a word or two. The hon. Member opposite seems to think it was a political meeting, but most emphatically it was not so.

MR. A. CONNOR: I never said it was.

*SIR R. N. FOWLER: You may call it a religious meeting, and, to a certain extent, it was so. It was attended by gentlemen belonging to all Protestant denominations, and, politically, I suppose the majority were attached to the Party opposite. But it was not a political meeting in any sense. What Sir Arthur Blackwood's political views are I do not know, and as a Civil Servant he takes no active part in politics; but my impression is that his political views are largely in sympathy with those of hon. Gentlemen opposite. But this is only my impression. My personal acquaintance with Sir Arthur Blackwood is slight, but I feel it an honour to have been associated with one who has shown so much devotion to the good of his fellow men, and in promoting the best interests of his countrymen.

(11.16.) MR. A. O'CONNOR: I am afraid the hon. Baronet has misunderstood the drift of my observations. I do not want to raise any religious question, and I did not suppose that this was a political meeting. The meeting, no doubt, was attended by those who represented various shades of non-Catholic opinion. I do not object to that; they were acting as they thought fit. What I object to is, that a public servant in the position of Sir Arthur Blackwood could reconcile his action with that impartiality which a man in his position should maintain. He not only attended the meeting, but, as Chairman, he sat and listened while two Judges were denounced by name for the exercise of what they thought their duty on the Bench. That appears to me extraordinary conduct for a man in Sir Arthur Blackwood's position. Remember there are many men on these Benches who have been sent to prison in Ireland for words used by somebody else on the platforms where they happened to be, or for the language of the advertisement calling a meeting which they attended. I object to the different treatment in the case of a highly favoured public servant. I think it was an improper thing for Sir Arthur Blackwood to do to attend the meeting, and the right hon. Gentleman cannot gloss over the fact that a public servant in this prominent position should listen to public denunciation of two Judges by name simply because they happened to be of a religious complexion different to his own. As a protest against the manner in which this, my complaint, has been met, I think it my duty to take a division.

(11.20.) The Committee divided:—Ayes 64; Noes 185.—(Div. List, No. 217.)

Original Question again proposed.

(11.35.) DR. CLARK: I wish to call attention to the question of accelerating the Northern Mails. I understand that the North-Eastern Mails are to be accelerated, and I want our grievances in the far North to be also attended to. There are 3,000 or 4,000 fisher people on the North-West Coast, and a letter can go from England to America almost as quickly as one from Stornoway to the Coast of Caithness and the Orkney Islands. These people are practically as far from each other as they were 100 years ago. If a letter is posted at Stornoway for Caithness on Monday it is not delivered till the following Thursday, although the distance is only 100 miles.

The reason is that the Postmaster General has for years been fighting with the Highland Railway on this subject. At one time I sympathised with the right hon. Gentleman, but since then we have had the arbitration in which Lord Derby was umpire, and the decision went against the Postal Authorities, who had to pay the Highland Railway Company about £12,000 more than that Company offered to give them for the facilities they asked for. I hope they will soon come to terms with that Company. The whole thing is a perfect farce. There are 10 hours between the arrival of the morning and evening mails, and yet both are delivered at the same time. At least one of these mails ought to be abolished unless a better arrangemant can be come to. At Thurso the local mails are detained in the post office from 12 to 18 hours. The reason is that the Postmaster at Thurso is interested in some of the coaches which run from that place to various towns in the country, and these are the only coaches which carry the mails. The consequence is that the mails are detained until the coaches in which the Postmaster is interested are able to start. I would suggest that the right hon. Gentleman should give us a Departmental Committee to inquire into these matters so that the people of the Highlands may obtain the same facilities as are afforded to the rest of the country.

MR. W. M'ARTHUR (Cornwall, St. Austell): I should like briefly to call the attention of the Postmaster General to the Postal Service between London and the West of England. It will be seen that the matter is one of great importance, when the population and interests of that part of the country are considered. Memorials have been presented to the right hon. Gentleman from the counties of Cornwall, Devon, Hampshire, Dorset, and Somerset, and I trust he will be enabled to come to some arrangement by which the service of that large district will be accelerated.

*(11.40.) MR. RAIKES: In reference to the remarks just made by the hon. Member opposite, I may inform him that the matter to which he refers has been thoroughly thrashed out in the Department, and that proposals in reference to it are now before the Treasury. I quite admit that the people of that district have special claims to consideration, but, as I have already stated, the matter has been thoroughly investigated. Allusion has been made to the opening of letters from Irish Members at the Post Office. In reply to that accusation, I have only to say that it has no foundation whatever. With regard to the service between Stornoway and the mainland, I admit that there is much delay, and I am in hopes that before long the arrangements may be materially improved. With reference to the Service between London and the West of England, I am sorry to say that I am not at present in a position to hold out any hope of its improvement. I trust that now the Committee may be enabled to agree to this Vote.

(11.31.) MR. CONYBEARE (Cornwall Camborne): I cannot but express my surprise that the remarks of the hon. Member for St. Austell have not been received more favourably. The question of affording greater facilities for the Postal Service to Plymouth concerns the entire counties of Devon, Cornwall, Somerset, Hants, and Dorset, and their case has been represented to the right hon. Gentleman on behalf of no less than 300 Town Councils, Petty Sessional Divisions and Public Bodies generally in those counties, the deputation which waited on the Postmaster General having been described as the most numerous and influential ever received by the Department. Why cannot the Government arrange with the Great Western and South Western Companies to run midnight trains from Paddington and Waterloo to Plymouth? But I am mainly concerned in behalf of the population of the far West, where the population is very considerable, and the mining and other industries pursued are of great importance. The postal facilities afforded to that district cannot be described as superlatively good; in fact, they are far behind those that are afforded to any

other part of the country. The amount required to effect the requisite improvement would be very small, and if the Government would only consider the propriety of giving us these facilities, instead of squandering money on persons like the Duke of St. Albans in the commutation of pensions which never ought to have been bestowed, they would be doing something that would meet with public approval. I am not anxious to delay the taking of this Vote, and, therefore, shall not detain the Committee by bringing forward another complaint on a subject as to which I will call attention at a later stage.

*(11.42.) MR. CAUSTON (Southwark, W.): I wish to call attention to a matter of some practical importance, namely, the absurdity, as admitted by the Postmaster General himself, of the existing regulations relative to the postage of invoices and voters' claims bearing certain directions at foot. The right hon. Gentleman proposed to introduce a Bill to deal with that question, and that Bill was introduced, but, before the House had had an opportunity of seeing it in print, it was withdrawn. I wish to ask whether the existing regulations are made under the provisions of an Act of Parliament or by the Postmaster General himself. If the latter, then the right hon. Gentleman has the power to institute the necessary reforms.

(11.45.) COLONEL NOLAN (Galway, N.): The right hon. Gentleman has stated that no letter from an Irish Member has been opened by the Post Office Authorities, but does he mean that no such letter has been opened under the sanction of the Home Secretary, who alone has authority in such cases?

MR. RAIKES: What I said was that no such letter had been opened. Of course the Committee is aware that no letter can be opened by the Postmaster General except under the authority of the Home Secretary. In reply to the hon. Gentleman opposite (Mr. Causton), I have to say that I believe the regulations he refers to were made in accordance with the Statute under a Treasury Warrant, which has had to be interpreted by the legal advisers of the Department. I regret the interpretation that has been put upon this document, but I trust that no great length of time will elapse before I shall be able to deal with this question.

*(11.48.) MR. WINTERBOTHAM (Cirencester): I wish to make a claim on behalf of the rural postmen. At present they have to buy their own boots, which is a great hardship, because they have to walk enormous distances, and their wages are admittedly not very high. The concession I ask for would be a very small one; but, at the same time, it would be very popular with a very deserving body of public servants, namely, that their boots should be found, together with the rest of their uniforms. Another point I wish to bring forward is that, whereas in the West of England a letter may be posted to Dublin in the evening and delivered next morning, letters posted in Dublin in the evening are not delivered in the West of England until the following afternoon. In fact, the post one way is a day, and the reverse way a day and a half. This is a matter which ought to be looked into and remedied.

MR. RAIKES: In reply to the hon. Gentleman, I have to inform him that, on the question of the postmen's boots, I promised the postmen the other day that this should be one of the many subjects I intend to take up.

Question put, and agreed to.

2. £539,829, to complete the sum for the Post Office Packet Service.

Motion made, and Question proposed, "That a sum not exceeding £1,583,845 (including a Supplementary sum of £50,000), be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Salaries

and Working Expenses of the Post Office Telegraph Service."

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Sir Edward Reed,*)—put, and agreed to.

Resolutions to be reported to-morrow.

Committee also report Progress; to sit again to-morrow.

EMPLOYERS' LIABILITY FOR INJURIES TO WORKMEN BILL.—(No. 172.)

Order for Second Reading read, and discharged.

Bill withdrawn.

ELECTORAL DISABILITIES (NAVAL, MILITARY, AND POLICE) BILL. (No. 146.)

Order for resuming Adjourned Debate on Instruction to Committee [24th June] read, and discharged.

Bill withdrawn.

REFORMATORY SCHOOLS BILL [LORDS].—(No. 347.)

Order for Second Reading read, and discharged.

Bill withdrawn.

LONDON COUNTY COUNCIL (MONEY) BILL.—(No. 388.)

Bill considered in Committee.

(In the Committee.)

Clause 1 agreed to.

Clause 2.

*(12.5.) MR. KELLY (Camberwell, N.): I beg to move the omission of Sub-section (2). I wish it to be understood that in making this Motion I am not actuated by any hostility to the London County Council, though I am bound to admit that I think in some respects the Council has disappointed us. I remember distinctly that as candidates a great majority of the members of the London Council spoke very freely about economy. They told us there was to be an era of proper and reasonable economy; there was to be no paid Deputy Chairman and no palatial residence or Council Chamber. The first promise was, however, very soon forgotten, and this is not the first occasion on which we have seen this mysterious clause as to the acquisition of a site for a Council Chamber. With the hon. Member for North St. Pancras (Mr. T. H. Bolton). I hope and believe the day is not far distant when London will be one when we shall not have a Council for the City and another for London, but one Council for the whole Metropolis. I believe so completely that this will be the case that I think it would be absolute insanity to build a Council Chamber for the present London County Council. In time the County Council will have the Guildhall, a finer meeting place than anything they can build. I am reminded that this clause is guarded by the words "with the approval of the Treasury," but I think the Council would be well advised to postpone the question of a Council Chamber until they have learned what their constituents have to say upon the subject. Their constituents will not be likely to give them their votes again if they talked of spending £500,000 upon a palatial Council Chamber. I trust the Committee will omit this sub-section.

Amendment proposed, in Clause 2, to leave out sub-section (2).—(*Mr. Kelly.*)

Question proposed, "That sub section (2) stands part of the Clause."

*(12.12.) MR. T. H. BOLTON (St. Pancras, N.): I do not think the Committee will consider that, in the observations I am about to make, I have the slightest hostility to the London County Council. On the contrary, I very cordially support the general policy of that body. I feel, however, there is a great deal of force in the remarks of the hon. Gentleman (Mr. Kelly). With him, I am of opinion that the County Council need not take power to raise a large sum of money for the purpose of acquiring a site for a new Council Chamber and offices. The Council have expended a very considerable sum of money—some thousands of

pounds—in adapting the old Metropolitan Board Room and offices to their requirements, and I am told by members of the Council that the Board Room meets the reasonable requirements of the Council. I hear there are also lobbies, tea rooms, and every other convenience and accommodation for the members. It is suggested that the offices are dispersed; but the offices of Her Majesty's Government are dispersed. The business of the country is far more important than that of the County Council of London, and yet I do not understand that any inconvenience arises from the public offices not being all under one roof. I am sorry the County Council make this proposition, because it is a sort of admission that their present position will continue. I did hope they looked forward to the time when, by friendly union with the Corporation of the City, there would be one great Municipal Authority for the whole of the Metropolis. The necessary consequence of that would be, that the County Council would go to the centre of London: they would go to the Guildhall, and there merge the old traditions of the Corporation in the aspirations of the younger municipal life. I look forward to the time when this House will unite the two bodies. The County Council would be very unwise to spend a large sum of money upon a site involving as it would the expenditure of another large sum upon a meeting house, because, in that case, London would have more municipal offices than it could use. We do not want two sets of great buildings in London for municipal purposes. I trust the right hon. Baronet the Member for the University of London (Sir J. Lubbock), who so ably represents the County Council, will withdraw this section of the Bill, so that the House may indirectly express its opinion that the time is not far distant when we shall have one authority for the whole of London. I know that the other night the right hon. Gentleman the Member for Wolverhampton (Mr. H. Fowler) suggested that it was proper we should leave the matters dealt with by this Bill to the representative body of London; but at present the responsibility of approving of this Bill lies with us, and we ought to fulfil our obligations as intelligent men.

Mr. T. H. Bolton

I believe I represent the feeling of a large number of the people of London—I certainly represent the feeling of a good many members of the County Council—[Sir J. LUBBOCK: [No, no.] —when I say they are not at all disposed to spend money in the erection of a new Council Chamber and of new offices. This point was only carried in the Council after discussion and division, and many of the best men on the Council are of opinion that the proposed outlay is unnecessary. Therefore, while I do not desire to assume any hostile attitude towards the County Council, I beg to support the proposition of the hon. Member for Camberwell.

*(12.18.) SIR J. LUBBOCK (London University): I quite appreciate the friendly spirit in which both my hon. Friends have addressed the Committee, and I entirely recognise that in the Motion they have no hostility to the County Council. With them I indulge the hope that our relations with the City may at no distant period be different to what they are at present; but, at the same time, those who most wish that a change should be effected will hardly advise us to wait until then, and it must be remembered that the Guildhall and the other offices belonging to the City will always be required for City purposes. My hon. Friend the Member for Camberwell (Mr. Kelly) laid great stress on the provision of a Council Chamber. That is not what we are anxious about. We have a Council Chamber, which I quite admit is suitable for the purpose: if it is not beautiful, it is very convenient, and we do not wish for any change on that score. But at the present time our staff is scattered over a number of separate buildings at some distance from one another. My hon. Friend behind me (Mr. T. H. Bolton) says that the different Departments of the Government are in different buildings. I am sure the Government have always felt it is most desirable and almost necessary for the economical conduct of business that each Department should have one building for itself. Nobody who has a large business of his own to transact can possibly do it effectively or economically if his clerks are distributed up and down several buildings. At the present moment, the

County Councils have clerks in the attics of houses built as dwelling houses. In the interest of the ratepayers, it is desirable we should have a space of ground on which we can build offices for the accommodation of all our officers. Now, if I have occasion to consult the Comptroller, I have to send across the street to another house asking him to come and see me, or I have to go across to him. That is not a way in which business can be satisfactorily conducted. We believe the proposal we make in this Bill is one that will conduce to economy, and, therefore, I hope the Committee will assent to it. Surely in such a matter as this we must regard the County Council as the governing body of London, responsible to the ratepayers for the manner in which it discharges its duty. It is most difficult to go on with the work of the County Council with our offices scattered in several houses. There is nothing more wasteful than the distribution of clerks in small buildings, and it is clearly to the interests of economy to concentrate the work as much as possible. I would also call attention to the fact that nothing can be done without the special assent of the Treasury. I think the Committee might trust the Treasury not to sanction anything in the nature of extravagrant expenditure.

(12.25.) MR. HOWARD VINCENT (Sheffield, Central): I only rise to make a suggestion to my hon. Friend the Member for Camberwell (Mr. J. Kelly), namely, that he should be content with the omission of the words "Council Chamber," so as to let us get our clerks together. I think the vast majority of the Council are satisfied with the present Chamber, but it will be generally felt we are under great disadvantage with regard to our staff.

MR. TATTON EGERTON (Cheshire, Knutsford): If the present County Council had only attended to the business carried on by the Metropolitan Board of Works they would not have required their present exorbitant staff. There is really no work done by the County Council, except that of the Asylums Board, which was not carried on by the Metropolitan Board of Works. The offices of the County Council are at present perfectly sufficient for the work the Council has to do, and I think this is not the time to ask the House to grant powers for the expenditure of more of the ratepayers' money.

*(12.26.) MR. CAUSTON (Southwark, W.): I hope we shall hear a few words from the President of the Local Government Board. On these County Council matters I like to hear his voice, and I like to see him support by his vote the views he expresses at the Table. With regard to this particular Amendment, I shall vote against it. I am in favour of giving the Council power to spend the money they think necessary. I do not say I am in favour of their spending the money, but I have confidence in the Representatives of the people of London. Members opposite seek to thwart the action of the County Council in every possible way. There was considerable disappointment felt by hon. Gentlemen opposite at the result of the last election, and they now think that if they hold the Council up to ridicule and decline to give them necessary powers, they will succeed in making them unpopular. I hope the President of the Local Government Board will have the courage to say whether he thinks it right or wrong that the Council should have the powers asked for, and that he will support his opinion in the Lobby. We have had many instances lately of the right hon. Gentleman making a brave speech at that box, and then either walking out of the House or voting against the County Council. The right hon. Gentleman justly attains considerable credit for forming the County Council, and I think it is very hard on him to be placed in the position in which he has more than once been placed by his colleagues in this House with reference to the proposals of the London County Council.

*(12.29.) CAPTAIN VERNEY (Bucks, N.): I am quite sure the hon. Gentleman who spoke just now (Mr. Tatton Egerton) could not have intended to mislead the Committee when he stated that the County Council did no more work than was done by the Metropolitan Board of Works. The London Council not only does a deal of work in connec-

tion with the Asylums, but its Fire Brigade work has something like doubled since the extinction of the Metropolitan Board of Works. Then there is the licensing question to deal with, and the inspection of buildings, while the area of the parks is about doubled since the Council came into existence. I would point out that even if we do take over the offices of the City at some future time, we shall have to provide more buildings. The work of the County Council is very much greater than anything the Board of Works had to do; and buildings that are ample for the City, and that would have been sufficient for the Metropolitan Board of Works, are entirely inadequate for the County Council. If in years to come it is necessary to buy a site, the ratepayers will look back to the present time and ask why we did not acquire one when the price was comparatively low compared with what it may be then. If the site were not required it could always be sold, and in the meantime it would be continually increasing in value.

*(12.33.) MR. CAUSTON: I would really ask the right hon. Gentleman the President of the Local Government Board to give us his views on the subject.

MR. CONYBEARE (Cornwall, Camborne): Two appeals have been made by Metropolitan Members to the President of the Local Government Board. I think he might, at all events, have respectfully and courteously declined to reply. There is another official directly interested in this matter, and that is the right hon. Gentleman who represents the Treasury. I think we ought to know what the Treasury think about this clause, and I would ask the right hon. Gentleman (Mr. Jackson), upon whose courtesy we can always rely, to give us his views on the subject.

(12.34.) MR. JACKSON: I think the hon. Member must forget that this Bill has been approved by the Treasury, and is introduced by the Treasury.

DR. TANNER (Cork Co., Mid): As an humble Irish Member who has listened to the Debate, I think it would be wise, judicious, and advisable on the part of the responsible and paid Ministers of the Crown to get up and remonstrate with their supporters for the obstruction they have been practising.

Question put, and agreed to.

Clause agreed to.

Other Clauses agreed to.

Clause 11.

(12.37.) MR. DIXON-HARTLAND (Middlesex, Uxbridge): I beg to move the omission of this clause, which proposes to lend money to the London School Board; and I do it on the ground of the carelessness of the London School Board in the matter of passing unsatisfactory school buildings. I hold that the carelessness of the Board itself is not less than that of its architects and surveyors, and the case I am about to present to the Committee I have made out from the Reports of the School Board itself.

MR. LAWSON (St. Pancras, W.): As a point of order, I would ask whether it is competent for the hon. Member to discuss the conduct of the London School Board?

(12.38.) THE CHAIRMAN: The hon. Member appears to be out of order, but I should have liked to hear him a little further before giving a definite ruling.

MR. DIXON-HARTLAND: I wished to draw attention to the fact that many of the schools under the London School Board are badly built, and that a charge of ¾d. in the £1 will be levied on the ratepayers by the Board, all of which money will be advanced by the London County Council under this clause.

(12.39.) THE CHAIRMAN: The hon. Member's observations are no relevant to this clause.

MR. DIXON-HARTLAND: Part of this money is to be used for the repair of existing schools, but I will not persist in the matter against the ruling of the Chair.

*(12.40.) SIR J. LUBBOCK (London University): The hon. Member is under the impression that if he carried his Amendment he would prevent the School Board from spending money, but that is not so. What the clause does is to give the London County Council power to lend money to the School Board. If it were not for loans through the County Council, the Board would have to pay a higher rate of interest, and the ratepayers would suffer.

(12.40.) MR. DIXON-HARTLAND: My idea was, that if I brought forward certain facts, the ratepayers might recover money of which they have been defrauded from certain contractors.

Clause 11 agreed to.

Clauses 14.

Amendments proposed, in page 11, line 24, leave out from "Acts," to end of line 27; line 29, at end, insert—

"Shall be charged to the special county account to which the expenditure for the purposes of the said Acts is chargeable."—(*Mr. Jackson.*)

Amendments agreed to.

First Schedule:—

(12.43.) MR. BAUMANN (Camberwell, Peckham): I see here that the London County Council makes loans to Vestries and District Boards, but this Bill is introduced by the First Lord of the Treasury for the express purpose of giving Parliament a control over these borrowing powers. The Metropolitan Board of Works used to circulate with Money Bills the statements of accounts of Vestries and District Boards, and it is obvious that if the House is to exercise control, somesuch statements of accounts ought to be presented. The County Council does not give us these statements.

*(12.45.) SIR J. LUBBOCK: I would point out to the hon. Member that this Bill is not introduced by the London County Council, but by the Government and it must be assumed that the Government are satisfied with the information contained in it. The Bill does not give to Local Authorities any spending powers they do not possess at present. It gives the London County Council power to borrow, and enables the County Council to lend to the Local Authorities at a low rate of interest.

(12.46.) MR. LAWSON: In the first table that accompanies the Bill there is a minute statement of the loans advanced.

(12.46.) MR. BAUMANN: These particulars were given in the last Money Bill of the Metropolitan Board of Works.

*(12.47.) MR. T. H. BOLTON: Some of these loans are borrowed with the sanction of the London County Council, but others are not. In the case of money borrowed by Boards of Guardians the public are protected, as there is an investigation by the Local Government Board; and I would put it to the Government whether similar precautions should not be taken in the case of all these loans. There was no proper investigation under the Metropolitan Board of Works, but there ought now to be one under the London County Council. [*Cries of* "Agreed!"]

*(12.49.) SIR JOHN LUBBOCK: Though the hon. Gentleman opposite may have correctly explained the procedure of the Metropolitan Board of Works, he has not been so accurate as regards the proceedings of the London County Council. The applications for loans are carefully looked into by our Finance Committee, which is presided over by Lord Lingen, who is justly regarded in this House as a great authority. Loans are not granted on the recommendation of any particular member, but on the recommendation of the Finance Committee as a whole.

(12.51.) MR. WEBSTER: It is not correct to say that no inquiry took place under the Metropolitan Board of Works in reference to loans. I remember on

more than one occasion loans being refused to Vestries. On one occasion a Vestry wished to build a kind of music hall, and then application for a loan was refused.

Schedules agreed to.

Bill reported, as amended, to be considered to-morrow.

TRAMWAYS, ORDER IN COUNCIL (IRELAND) (SOUTH CLARE RAILWAYS) BILL.—(No. 301.)

COMMITTEE.

Considered in Committee.

(In the Committee.)

(12.54.) DR. TANNER: I beg to move, Mr. Chairman, that you do report Progress.

MR. A. J. BALFOUR: It is impossible for the Government to proceed with this Bill if it is opposed.

DR. TANNER: My object in moving to report Progress was to obtain an explanation from the Minister in charge of the Bill as to its provisions. I would advise the Chief Secretary to shake off his nonchalance, and to give us some explanation as to what this Bill is intended to do. In the absence of some of my friends who represent the County of Clare, I object to the Bill. If the right hon. Gentleman the Chief Secretary would be advised in time he would take a lesson in Ministerial manners. [*Cries of* "Order!"] I speak advisedly. I desire to have some explanation of this matter, believing that I am entitled to it. I do not wish to be continually throwing away my time in lecturing the Chief Secretary.

THE CHAIRMAN: The hon. Member has moved to report Progress, and he must confine himself to that.

DR. TANNER: Certainly, Sir. I think the Chief Secretary should have offered some explanation of the Bill; and if he had done that, I should have offered no opposition. If my colleagues are satisfied with the Bill I shall say no more.

(12.35.) MR. SEXTON: I must say I think it would have been well if we had had some explanation of the Bill. I notice that the hon. Member for one of the Divisions of Dublin, who had an Amendment on the Paper, has withdrawn that Amendment; and as that hon. Member is thoroughly conversant with this subject, I have a right to assume that his withdrawal implies approval of the Bill. Furthermore, I understand that my hon. Friend the Member for Clare is in favour of the Bill, and, under the circumstances, I trust that the measure will not meet with further opposition from these Benches.

(12.56.) DR. TANNER: I shall certainly offer do further opposition, but I must say I think the Chief Secretary should have explained the Bill.

Motion, by leave, withdrawn.

Bill reported, as amended, to be considered to-morrow.

PARLIAMENTARY REGISTRATION EXPENSES (IRELAND) BILL.—(No. 401.)

Bill read a second time, and committed for to-morrow.

STATUTE LAW REVISION (No. 2) BILL [LORDS.]

Bill read the first time; to be read a second time upon Saturday, and to be printed. [Bill 405.]

SETTLED LAND BILL [LORDS].

Bill read the first time; to be read a second time upon Monday next, and to be printed. [Bill 406.]

It being after One of the clock, Mr. Speaker adjourned the House without Question put.

House adjourned at five minutes after One o'clock.

HOUSE OF LORDS,

Friday, 1st August, 1890.

DIRECTORS LIABILITY BILL.
(No. 165.)

Reported from the Standing Committee for Bills relating to Law, &c., with amendments: The Report thereof received; Bill re-committed to a Committee of the Whole House on Tuesday next; and to be printed as amended. (No. 242.)

FOREIGN JURISDICTION (CONSOLIDATION) BILL.—(No. 109.)

Returned from the Commons agreed to.

REMOVAL TERMS (SCOTLAND) ACT, 1886, AMENDMENT BILL.—(No. 206.)

Returned from the Commons with the amendments agreed to.

STATUTE LAW REVISION BILL.
(No. 203.)

Returned from the Commons with the amendmends to which the Lords have disagreed not insisted on; and with the amendments made by the Lords to the amendments made by the Commons and the Lords consequential amendments to the Bill agreed to.

LONDON STREETS (REMOVAL OF GATES) BILL.
THIRD READING.

Order of the Day for the Third Reading, read.

*LORD MONKSWELL: In asking your Lordships to give a Third Reading to this Bill, I am desired on behalf of the London County Council to say a few words in support of it. This Bill, as your Lordships are aware, is a Bill to remove various gates which cause a very great obstruction to the traffic through the streets of a portion of the Metropolis. In fact, there is no doubt as a matter of public convenience the removal of these gates has become necessary; there is no doubt that they ought to be removed, and the only question is on what terms they should be removed. The noble Marquess (the Prime Minister) himself, it will be within your Lordships recollection, stated that he has on some occasions used strong language in regard to these gates. Now, this compensation question has been referred to the usual tribunal both in this House and in the Commons House. It has been argued before two Committees, composed, as the noble and learned Lord (Lord Herschell) observed to your Lordships the other day, of Members who were not for the most part Radicals, the majority of them being good sound Conservatives; and both those Committees have come to the conclusion one after the other that no compensation ought to be granted. The matter has been argued before those Committees by counsel learned in the law to whom the usual honorarium has been given, a point to which the noble Marquess seems to attach great importance. Yet now we are asked on this Third Reading to reverse the decision of those two Committees upon the authority of the noble and learned Lord (Lord Bramwell), to whom no honorarium has been given, and who has not apparently listened to the evidence that has been given before the Committees, and I should like to mention to the noble and learned Lord that that evidence appears to me to establish beyond doubt four propositions, which are these: first, that the Act authorising the erection of these gates was passed at a time when there were various Paving Trusts in existence, and that the reason why, and the only reason why those gates were authorised to be erected was owing to difficulties in the matter of repairing such roads. It was thought to be grossly unfair that persons should be allowed to make a thoroughfare of those roads if they did not contribute to the maintenance of them. Those were the grounds on which the Act of Parliament was passed, and I think it is perfectly clear on reading the Act that on no other grounds was it passed. When the Vestry took over the roads in the year 1855, they made themselves responsible for their repair, and that being the case, the only object for which the Act of Parliament had permitted the erection of these gates, which were put up under it, was accomplished and was at an end. The third point is this, that the Duke of Bedford for the time being might at any time, at his own will and pleasure, do away with these gates, without giving

one penny of compensation to the inhabitants of the district. The fourth point is this, that in no other case whatever has compensation been granted for turning a *cul de sac* into a thoroughfare for traffic. Now, if the facts be so, I would ask the noble and learned Lord who moves the rejection of this Bill, on what grounds he asks for compensation? I quite agree with him that while these Paving Trusts were in existence, supposing these gates had been taken down, the Legislature must have made some sort of provision for the repair of these roads. But, I submit, after the Act of 1855 was passed, whereby the Vestry undertook to repair the roads, no inhabitant had the slightest right to suppose he would in perpetuity be allowed to keep his privacy any more than the other inhabitants of London if these obstructions to the traffic had to be done away with. I venture to say that the case of Hamilton Place was a good deal stronger than this case, and yet I never heard of anybody getting compensation there for a *cul de sac* being turned into a thoroughfare for traffic, because the inhabitants of Hamilton Place could only have had their privacy interfered with by the action of the Legislature, whereas in this case the persons living in the district comprised within these bars could have had their privacy invaded by the action of a single individual—the Duke of Bedford. It does appear to me that what the Act which allowed these gates to be put up did was that it gave the inhabitants inside those gates the right to say, "You shall not take away these gates unless you do something reasonable towards the repair of the roads which you make subject to traffic from other parts of London." But it seems to me that is the only right which is given, and the only right which was intended to be given by that Act of 1800. Of course, if, under the Act of 1800, it was proposed at any time to take away these gates, something would have been done by the Legislature with regard to the maintenance of the roads. But I say that no further right was given, or was intended to be given; that is to say, that these inhabitants who live inside these gates are now just precisely the same position as the inhabitants in all other parts of London are, namely, that they are liable to have their privacy destroyed whenever the Legislature considers it to be for the interest of the general public that the public traffic should be allowed to go through their streets. In these circumstances, my Lords, I move the Third Reading of the Bill.

Moved, "That the Bill be now read 3ª." —(*The Lord Monkswell.*)

*LORD BRAMWELL: I move, your Lordships, that this Bill be read a third time this day three months, and I dare say many of your Lordships may think I have a difficult task before me, considering the Report of your Lordships' Committee, a Committee with which it is impossible not to be perfectly satisfied both of their competence and of their entire fairness. One has the satisfaction at least of knowing that if these ways are laid open to the public, it will not be for any consideration like this—

> "Here is one man better off than another; let us equalise their positions by taking away the benefit which the one man has."

That has not been at the bottom of their decision. I cannot agree with my noble Friend that the Committee were content with the condition of things; on the contrary, they have done their best to mitigate the mischief which will be done to these people, and I am pretty sure they would have been glad if they could to have awarded them some compensation, but they could not see their way to do it. I ask your Lordships, therefore, either to do that, or if no compensation can be given, to reject this Bill as an unwarrantable infringement on the rights of these people who are affected by this measure. My noble Friend has said he has read the evidence, Well, so have I, and I certainly do not agree with his version of it. I must ask your Lordships to permit me to state what I am afraid I said before of the Second Reading, what the truth of the matter is in this case. The freeholder—I will call him by that name for a reason which, I trust, your Lordships will appreciate—or the freeholder's predecessor in the year 1800, did not stand in need of the Act of Parliament to do that which was then done, and which has been perpetuated since with the sanction of two subsequent Acts of Parliament. He did it as owner of the soil. The estate was laid out in a particular way,

and to ensure the privacy of the people who would build upon it and live, these gates were placed by the authority of the freeholder as such freeholder. It is true that the provisions of the Act of Parliament, no doubt out of greater caution, said that the gates might be there, and that there should be no interference with the gates; but the gates were put there by right of the freeholder as owner of the soil. And there is another matter to which I should like to call your Lordships' attention, which is this: this Bill talks of the removal of certain restrictions upon traffic through the streets of London, and talks of certain bars and gates as being restrictions upon the traffic. What the Bill really does in substance is this. There is some strange notion, I cannot tell how it could have got into anybody's head—it could have got into no lawyer's head, certainly—that the right of the freeholder is to the bars apparently, and to the ground on which they stand. The truth is the right is to the entire soil of these roads in full property, subject to such privileges as he may have granted to the public. Now, the only privileges which he has granted to the public, as far as I can see, is a right of footway. I do think he has granted that, because the footway has been used by the public for all these years without interference. I should think, therefore, there is the most cogent evidence of dedication to the public of a right of footway. But there has been no dedication to the public of a right of carriage way or horse way, or anything beyond the footway; and the gates and bars which are in particular positions at this moment might, if it suited the freeholder, be put in any other positions for the purpose of preserving the privacy of that district. What would in effect be done is this: practically the ownership in the soil would be taken from him. He could at this moment build a house upon any portion of the district which is affected by this Bill where there is no public right of way, and that power will be taken from him. Practically, therefore, his property will be taken from him. It was supposed—and let me particularly remind your Lordships of this—as my noble Friend says that these gates were put here for some strange purpose, which I confess I cannot understand. They were put up for the purpose of preventing the public gaining a right of way as they would have done if the gates had not been there, and for no other purpose. That was their object and intention, and when your Lordships are told—I am surprised it should be so—that it was on account of there being Paving Commissioners for this particular district that this was done, I say it is an entire mistake, because when these Paving Commissioners were put an end to by Act of Parliament, and it was thought better that the parish should take over and repair all the roads, whether public or private in the parish, of course it made no difference in the rates. The people had been rated before, and they were rated afterwards when it was thought that the parish should become responsible for repairing the roads. The Act of Parliament passed in the year 1855 expressly reserved to the freeholder the right to the soil of these streets, and the power of having gates there. But there is another thing which shows the correctness of what I am now stating to your Lordships. There is a recital in this Bill about the gates and bars being a restraint upon the traffic, and I should like to read this to the House—

> "And whereas the continuance of such gates and bars and the restriction of the traffic through the said streets tend to the public inconvenience."

Well, I daresay they do; that is to say, I daresay it would be very convenient to the public if these streets were opened. I daresay that is so. There is not one word said as to the convenience of those whose privacy is protected by these gates and bars. But the section goes on to say—

> "It is expedient that provision should be made for their removal; and whereas the object aforesaid cannot be attained without the authority of Parliament;"

that is to say, the County Council cannot, and nobody can, without the authority of Parliament, interfere with the ownership and the rights of ownership, which the freeholder possesses and exercises in the way which has been mentioned. Remember that, my Lords. I beg your Lordships to remember that it is recited here, and most truly recited, that without the authority of Parliament, what is sought to be done cannot be done. Now, I venture to say that if

the Lands Clauses Consolidation Act had been incorporated in this Bill, the freeholder would have had a right to maintain a claim for compensation, not merely for the bare removal of the gates and bars, the value of the gates and bars, and the soil on which they stand, but he would have had a right to maintain a claim for compensation for that property, the loss of which I have described to your Lordships. He would have been entitled to maintain that claim according to a recent case of "Cowper Essex *v.* The Local Board of Acton." [14 Appeal cases, page 153.] I speak in the presence of two noble and learned Lords, who were parties to that Judgment—for such depreciation of the value of his property, on part of which these gates and bars stand. He would have been entitled to maintain a claim on those two heads. However, they did not think fit to put in a reference to the Lands Clauses Consolidation Act. Now, one word with regard to the inhabitants. I see some of the witnesses, gentlemen whose opinion is of great value, stated that in their judgment the tenants of the freeholder's property, that is, of the houses, would have been entitled to maintain an action against him—the freeholder—if he had removed these gates. I do not like to put my judgment against that of others, but in addressing your Lordships, I must tell you what my opinion is, I do not think so. I do not think if it had pleased the freeholder of his own accord to take down these gates, that any of the tenants could have maintained an action against him for having done so. The case is not quite clear, for there are cases in some of which it has been held that the tenants have the benefit of a stipulation made by their landlord, and in others it has been held, and I think it would be held in this case, that the landlord's right is one which he has exercised by placing the gates there for his own advantage, and that whenever he thinks it expedient to remove those bars and gates, he is at liberty to do so without any action being brought against him. That is my judgment upon the matter, and I cannot say otherwise. There is not the slightest doubt in the world that these people are damaged. There is no doubt whatever about that. The Committee were of that opinion evidently, because they did all they could, and I firmly believe would have done more if they had seen their way to do it. The evidence is of the most convincing character. The first surveyors in London have been called to prove this damage, and they positively proved that at the north and west sides of one of these places, say Russell Square, the privacy of which is protected by these gates, rents are much higher than on the east and south sides, which are unprotected. It has been said, and I am really surprised at it that it should have been, I am not surprised that it should have been said in the first instance, stupid as it is, I cannot help saying so; but I am surprised that after the fallacy has been exposed it should have been repeated—it has been said, "Why the law never gives compensation for an increase of traffic." There is a line of noisy omnibuses passing on the west side of Grosvenor Square (it is rather remarkable, I think, that they should have furnished such evidence of what mischief they propose to do to these people in Russell Square), and it has been said that the people in Grosvenor Square have no right to compensation. Do your Lordships know why? Because they had no right to stop those omnibuses, and there was a public right to go along there. There is no public right to go along where these bars are placed. What the County Council say upon that point here is, that there is an impossibility of settling any Compensation Clause on a fair basis; and what also influenced the Council was the comparatively few persons who are resident in this district, and so forth. Therefore, it appears that the Council were influenced by the difficulty of settling the compensation on any fair basis. What would your Lordships think of anybody who would say, "I met a man coming along with a very nice-looking watch, and I wanted it: well, there was an impossibility of settling the compensation with him upon a fair basis, so I took it for nothing." That is what they are doing here; that is their argument, and that is their justification. Just consider for a moment the damage that would be done to these people. It cannot be estimated by thousands, nor even, I believe, by tens of thousands of pounds. It would be an enormous damage that would be done to them,

I speak in the presence of the Members of the Committee. Did anyone undertake to say in the evidence that the benefit to the public would be anything equal in value to the damage done to the tenants on this property? But if not, there is no justification for doing it. If you are to do more harm than good, valued in money, it ought not to be done. Well, it is said that these are restictions and obstructions. I admit it; but I cannot help saying there is something rather curious in the sort of argument which is brought forward, because if there had been no road there, and if the place had been in the condition in which it was 90 years ago, that is to say, fields with no roads across them, there would have been nothing to obstruct, there would have been no necessity for any restriction there, because there would have been no way or track. Well, then, what is the complaint? But before I go on with that head of my remarks let me say this: I have told your Lordships I do not think the inhabitants would have any cause of action against the freeholder if he had removed these gates. No; but they are as safe as if they would have had a right of action, because the same reason that induced him originally to put these streets there with these bars would induce him to continue them there; that is say, for the purpose of keeping up the value of the property. I forget to mention that. Now, let me go on with what I was saying to your Lordships, that if there was no street there would be no obstruction, and the complaint, therefore, comes to this: "You have made a road for your own benefit, which you need not have made; had you not made it we should have had no right or power to go there; you have put up gates, and therefore we have got a cause of complaint against you." Are your Lordships prepared to say that? Are your Lordships prepared to say that if a man should make a way from a public road to a mine, or a farm, or an hotel, or a private house, and should make another way from the mine, farm, or what not, to another public road, and put up gates in order that the business of his mine, or farm, or the privacy of his house should not be interfered with, there would be a right in that case? Are your Lordships prepared to lay down as a great principle that in that case the public have a right to complain, if they are not let through by a short cut, to the interference and annoyance and loss of the person who has put up those gates? If that be so, let there be an Act of Parliament passed at once which will save the trouble of referring such matters to Committees, and the expense attending such references and the honoraria which my noble Friend spoke of, and lay down, as a general rule, that whenever anybody likes, no matter what damage it may do to the owner, wherever anybody is entitled to say, "Here is a short cut made not for the benefit of the public, but for the benefit of the man who made it, and who protected it by gates and bars. That is a thing which the public must have the enjoyment of, and the benefit of, at once." I do not think your Lordships will be prepared to say that. The noble Marquess gave some sort of evidence against the tenants by saying that he had sometimes been obstructed in going to the Great Northern Railway Station, and I think he said that when that happened to him he would have used an execration.

THE PRIME MINISTER AND SECRETARY OF STATE FOR FOREIGN AFFAIRS (The Marquess of SALISBURY): An internal execration.

*LORD BRAMWELL: Yes; expressed internally. Well, if your Lordships reject this Bill, and if the noble Marquess is obstructed again, I hope he will neither internally nor aloud include me in the objects of his execration, for I am sure I would most willingly remove all obstruction from him. I know he suffers very considerably from it, and I would remove it, not only by throwing open these bars, but by closure if I could—very much I trust to his benefit, if it were in my power to do it. Now, my Lords, really the case comes to this: I do not want to say over and over again the same thing. That a deal of damage will be done to a number of people is beyond all doubt; it is proved by the best experts in the world. That some inconvenience is sustained at present by the public at large—I protest against it being called an inconvenience—that a convenience might be given to them to which they are not entitled, I confess at once; whether that convenience will be bought at a fair price to the inhabi-

tants I know not. I am strongly inclined to think there will be more loss than gain in it, but, after all, whichever way it may be, it comes to this: that your Lordships are called upon to take away from the freeholder the right which he possesses to the consequent damage of the tenants for no other reason than because it is handy and because it is convenient to do it. As I said before, if your Lordships are prepared to say no matter what the right of the freeholder is, and it is a right as freeholder mind, no matter what the amount of damage that is done to others, if the public desire it that road which is a private road, and that property which is private property, shall become public, all protest would be unavailing. I move that the Bill should be read the third time this day three months.

Amendment moved, to leave out ("now,") and add at the end of the Motion ("this day three months.")—(*The Lord Bramwell.*)

THE BISHOP OF ROCHESTER: I would ask your Lordships to hear a few words from me on the ground that any Member of your Lordships' House who happens to possess local knowledge or local information on the subject under discussion is bound to give it for the benefit of the House. I think I may claim this advantage which perhaps few or none of your Lordships possess; that I have lived within the district comprised inside these gates for 10 years, and that it was all within the limits of my own parish. I may, therefore, be supposed to have some practical and considerable knowledge on the subject, both as to the inconvenience or otherwise of the gates, and also as to the feelings of the inhabitants in regard to their existence. No doubt there is a certain inconvenience from these gates, especially at one of them. I must not impute to your Lordships too intimate knowledge of the geography of that part of London; but there is inconvenience, especially at the Upper Woburn Place Gates, which are closed to traffic in hired carriages, and where anybody arriving in a hansom would be very reasonably surprised at being told he could not pass, but must go round by another way. None of the other gates are closed to light traffic, but only to traffic of a heavy character. Attendants are seated outside the gates ready when they see carriages or cabs coming to throw them open, and I have seldom, in my own experience, found myself delayed by them. I simply desire to infer from this fact, not that there is no inconvenience arising from the gates, but that the inconvenience said to arise from their position is somewhat exaggerated. If the great Railway Companies and the public require these gates and bars to be removed, no doubt it must be done, and Parliament must be asked for power to do it. There is no doubt about that. But the fact which I desire to put to your Lordships with great earnestness is this: that it is a very high-handed course to remove these gates and bars without some sort of compensation being made to the householders and leaseholders in the neighbourhood, who indisputably either bought or took their property on the undertaking that they would not be interfered with by the freeholder in the enjoyment of these valuable rights. Conceive what will happen to them if heavy traffic comes down through Upper Woburn Place or Tavistock Street. It will be impossible to use the bedrooms in front of the houses. Not only will the personal comfort of the inhabitants be interfered with, but they will not really be able to sleep. I have read the evidence given before your Lordships' Committee, and I am perfectly certain that the property in those houses will be very seriously diminished in value in that neighbourhood, where property is already not likely to increase in value. I should like to add that the neighbourhood is certainly not a fashionable one; it is inhabited by struggling professional men with limited incomes, who are not, perhaps, as well able to protect themselves as persons living in other parts of London might do, and on whose behalf there I appeal to your Lordships for protection. I do not live there now, and I have no property there, but I have some valued friends in the neighbourhood for whom I have a great regard, and I think, therefore, that your Lordships will pardon me for protesting against what I do feel to be an arbitrary invasion of the rights of private property. I do ask your Lordships to pause before passing a Bill which will inflict very serious injury and personal damage on those who have no right whatever to be treated in such a way as is proposed by the Bill.

LORD HERSCHELL: I should desire to call your Lordships' attention to the position of this Bill, and to the effect of the proposal of my noble and learned Friend. My noble and learned Friend admits that, if it is for the public interest that this change should be made, private interests or even private rights must necessarily give way.

*LORD BRAMWELL: I never said anything of the sort.

LORD HERSCHELL: I thought my noble and learned Friend so stated on the last occasion in the most distinct terms. I am sorry I have not his assent to that; but we have the admission made that the public can interfere with private rights, only they must do so upon terms of making proper compensation.

*LORD BRAMWELL: Yes.

LORD HERSCHELL: I had only half finished the statement of my proposition. My noble and learned Friend assumed that I was not going to say more than I had said at that moment. My noble and learned Friend admits that in the contest between public and private interest, the private interest must give way. What is the course which he and those whom he represents have taken with reference to this Bill? The Bill was discussed in the other House. It was sent to a Committee of that House; it was argued for a considerable time before that Committee; the Committee reported in favour of the Bill; the other House then passed it, and it came up to your Lordships' House. One would have thought that by that time, at least those who have been represented by my noble and learned Friend, would have come to see that the Bill is one to the principle of which, the Preamble of which, they should offer no objection. They might, of course, insist that they had a right to compensation, which claim to compensation might have been then considered. When the matter came to this House, my noble and learned Friend moved the rejection of the Bill, and then, when it went before the Committee, what position did the petitioners assume? Did they say: "We admit, of course, that our interests must give way in this matter of public concern, but we propose to insert a clause and ask that you should insert it in protection of our interests." Nothing of the kind. They did attempt to get the Committee to find the Preamble of the Bill not proved, and to get the Bill rejected by the Committee. The proposition was put in a most subsidiary manner. The first witness called had given a great part of his evidence—in fact, almost the whole of his evidence—before he came to the question of compensation at all. I do not say in the slightest that they abandoned or did not say if the Bill passes we ought to have compensation. But they cannot say that the Bill was not opposed. Then the Bill comes before your Lordships for Third Reading. It has been well discussed and considered; all the arguments of my noble and learned Friend on the other side have been fully canvassed by the Committee, and considered and weighed by them, and that Committee has found what my noble and learned Friend does not dispute is a conclusion arrived at by them perfectly honestly, and to the best of their judgment. But now my noble and learned Friend comes at this, the last stage, after the Bill has passed through those various stages, and asks your Lordships to reject this Bill on the Third Reading. And why, my Lords? Because, as he says, their claims to compensation have not been entertained by the Committee. In the first place, my noble and learned Friend asks your Lordships to reject this Bill, though as to one of the gates proposed to be removed by it there was no opposition. No objection whatever was made with regard to that, and yet my noble and learned Friend asks that the Bill should be rejected which will provide for that being done, to which nobody objected. That is the sort of wholesale way in which this Bill is treated, and after it has gone through all these stages, and after it has come to its present stage in your Lordships' House. These points, which have been referred to by my noble and learned Friend, and upon which he has argued in the interests of those whom he represents, were perfectly reasonable matters to be considered. I do not mean to say it was otherwise. The whole subject of claim to compensation was considered by this Committee most anxiously and most carefully, and, having considered it, they came to the conclusion that the proper course to take was to provide means of securing, by the silent paving of the streets, as far as possible

against the inconvenience to the inhabitants of these streets being thrown open to public traffic; but that it would not be right to make a provision for a compensation. My noble and learned Friend has spoken as though this claim to compensation on behalf of the occupiers of these houses was a claim similar to those which have been hitherto recognised by the law. On the contrary, no such claim to compensate has, as far as I know, ever been recognised; and if this claim be recognised, I maintain that it will run counter to every principle which has regulated the law of compensation in similar cases. It has not been the case, as my noble and learned Friend has assumed, that wherever Parliament has interfered it has done so on the basis of compensating every person who would suffer inconvenience, or even pecuniary loss, by reason of the interference of the Legislature. I could give your Lordships abundance of illustrations of that. For example: you have bought a residence; a railway comes near the residence. The railway does not take any of your land, but it interferes with your privacy; it certainly diminishes the comfort of your house, and would very likely diminish its selling value, and yet, beyond question, no compensation could be claimed by the person who suffered that direct pecuniary loss by reason of the railway having come there. Though he has been subjected to inconvenience, loss of privacy, and even diminution of the value of the premises, yet he has no right to compensation. That is a great deal more analogous to the case we are dealing with than any of the cases to which my noble and learned Friend has alluded. I give this instance only, because I maintain that compensation is never given unless for interference with some legal right. However great the inconvenience, however unquestionable the pecuniary loss, unless that can be established, there is no claim to compensation, with perhaps this exception to which my noble and learned Friend has alluded. If you take a portion of a man's land, and have to compensate him for that, he may, in some cases, get consequential damages, which other persons whose land had not been taken would not be entitled to claim, and, therefore, I ought to limit my general proposition in that way, although it is not really relevant to the point we are discussing. In that way, it seems to me, my noble and learned Friend abandoned the whole case when he admitted that these occupiers and lessees had no legal right to enfore the continuance of the gates and bars in the position in which they are. The whole case was gone, as it seemed to me, when my noble and learned Friend made that admission. I do not allude to his argument as regards the freeholder, because the freeholder did not petition against this Bill, and he has not asked for any compensation clause to be inserted. He is the only person whose legal rights will be in any way interfered with by this Bill, and, he certainly, not having asked for compensation, it would be out of all reason to reject this Bill because there is no provision made for compensation in his case. We have, therefore, only to deal with the case of lessees and occupiers. I am not going for a moment to dispute that there are many people whose convenience and comfort would be diminished by these streets becoming subject to more traffic than had hitherto passed through them, although I cannot help thinking that the reality would turn out to be as bad as the anticipation, and that people will not find that the traffic, divided as it will be among several streets, will be anything like so burdensome as they imagine. The right rev. Prelate has alluded to his personal experience of this neighbourhood. I may claim to have even greater experience in these matters, because I lived a great deal nearer to a railway station than probably anyone who objects to this Bill. I do not mean to say that there is not a great deal of traffic occasioned by the neighbourhood of a railway station, and perhaps some prefer that there should be less; but when the change is made, people will not, perhaps, find it so bad as they suppose at the present time. Still, making all allowances, no doubt they would prefer that there should be less rather than more traffic through their streets. But, my Lords, that difference by the admission of traffic through streets which have hitherto been protected from it, has never been regarded as a subject of compensation, and, if it were to be so regarded, it would land you with an endless vista of compensation claims. In the present case the petitioners are

not persons residing in the streets where these gates are; they are people residing at a considerable distance. They say if you render this particular street an open thoroughfare, then more traffic will come into the street which leads to that street, and more traffic will come into other streets which lead to the street which leads into the first street, and all these people will suggest that they are entitled to compensation. My Lords, it is a claim which has never been admitted. We have had numberless improvements in London which have produced that result. Take, for example, the opening of Hamilton Place. All the persons residing along Park Lane could, if my noble and learned Friend makes out this case, have said when you have opened Hamilton Place (which was done under statutory authority) you have induced more traffic to pass down along the thoroughfare than when there was only the narrow outlet at Park Lane. No doubt there has been an increase of traffic there, and yet no suggestion of this kind was ever made in that case. As far as I know it has never been made before.

*LORD BRAMWELL: Was there any right to stop it?

LORD HERSCHELL: There was no right to stop it, nor is there here any right to stop it in the case of the persons whose interest my noble and learned Friend has been advocating. That was the point to which I was referring. My noble and learned Friend admits that there is no right in any of these occupiers who are petitioning to insist that these bars should be kept there. Well, then, it comes exactly to this: it is a parallel case. They were just in the same position as the people in Park Lane and Hamilton Place, when there was a house, I believe, at the end of Hamilton Place; the people there might have quite relied that nobody would voluntarily remove the house for the purpose of making it a thoroughfare. I do not know whether there really was a house there, but, at all events, the way was closed, and they had to obtain an Act of Parliament to enable Hamilton Place to be opened. Just in the same way as the people here might have relied upon these gates remaining to prevent traffic, the people in Hamilton Place might have relied upon the obstruction remaining there as it was, and yet no compensation was paid. My proposition is shortly this: that no compensation is ever paid where all you do is to interfere with an expectation which people might reasonably have entertained, but where is no interference with any legal rights which they possess. If you interfere with legal rights, of course, they have a right to compensation, but not otherwise. My noble and learned Friend seems to have left out of sight one view of this case which impresses me strongly. He says these are not public streets but private streets, and I see that was very strongly put forward in evidence by one of the witnesses. All I can say is that it is a most astounding thing, if they are private streets, to think that ever since 1855 these private streets have been repaired entirely at the public expense. I can understand the case of private streets which the people themselves keep up and bear the expense of, but private streets which they insist the public have no right to use, but which nevertheless the public have repaired just as much as they have repaired all the other streets in the Metropolis, appears to me a very strange anomaly, and I was astonished to find, when I read the evidence, that from one of those streets there is actually excluded all traffic except gentlemen's carriages, a street which has for 35 years been repaired just as all the other streets in London have been at the public expense. What does that come to? That the inhabitants of other parts of London have to bear the inconvenience arising from the noise of traffic through their streets, and as to those streets they have to share the expense with people who do not live in them. The streets are repaired for the benefit of people living in them without the public having the full rights which they have over other streets in the Metropolis. What strikes me is this: that if for 35 years this state of things has gone on there is a large debit in favour of the people due from whoever is interested in these private streets, which, if it were set off against the claim for compensation, would, I think, hugely outweigh them. It is, I think, very difficult to say that they are private streets. No doubt, passage through them was limited, but to say that beyond those gates these were not public streets is a proposition which, I think, it

would be rather difficult to establish, considering the way in which they have been dealt with during all these years. I must demur to one observation which has been made by my noble and learned Friend, because I do not think it is accurate. He says these gates were put up for the protection of the privacy of the inhabitants. I have looked through the Acts of Parliament, and I cannot come to that conclusion. I believe they were put up, in the first instance, without any thought of the kind, but simply to secure that the roads on the Bedford estate should not be unduly used by your neighbouring estates not then laid out for building, so that when they rested entirely, as they then did, upon the people on the Bedford estate, those streets should not be used by people who did not contribute to them, and who wanted to develop their rival estates. The effect of their securing privacy has been an accidental effect which has subsequently resulted. People, I do not dispute, may have gone to live in some of these streets relying on the fact that these bars existed, and were likely to continue to exist, but that in itself cannot give any claim to compensation on any principle which has been hitherto recognised by the law, and it would be, as it seems to me, a very dangerous precedent if you were to introduce any new principle which would permit new heads of compensation to arise. It would render very difficult many public works which would be of advantage to the community. The principle hitherto has been that persons must take their chance of any changes which may happen, owing to improvements in the public streets, and that those changes and improvements may be made without compensation of this kind being paid. No doubt, if you could work out complete justice, what you might like to do would be to say this traffic which will go through these streets when they are opened goes somewhere else now, and therefore the streets where it now passes will be rendered quieter to the extent that the others will be rendered more noisy; and if you could devise some means of making the people whose streets thus become quiter provide means for paying compensation to the people whose streets become noisier, that might be a very equitable arrangement, and I, personally, should see no objection to it, though I do not mean to suggest that it would be a very practicable one. But in this case, just as in the case of a railway passing near your house, or, in many other cases, the only way of dealing with these matters is to stand by the principle that unless you can establish that a legal right has been interfered with, you cannot establish a like right to compensation.

The LORD CHANCELLOR: My Lords, I confess I am a little astonished at the principles which have been enunciated by the noble and learned Lord who has just sat down, because it strikes me he has entirely forgotten to notice the fact that the freeholder and the tenants are the persons who alone could regulate between themselves the relations under which the bars and gates exist, and that an Act of Parliament is required to deal with the interest of the freeholder and leaseholder, because the freeholder and leaseholders if left to themselves would keep matters in the position in which they are now, and would keep their property as it is. For the sake of public convenience you are to force the freeholder and leaseholders to place their property in a different condition to that in which it is at present, and in which they desire to have it remain. I do not desire to discuss the questions which have been raised between the two noble and learned Lords, but this I think will not be disputed by anyone: a great many people have thought that the Lands Clauses Consolidation Act has been very harshly construed in respect of some rights; but whether it is so or not, the principle on which that Act rests is that you should not take for public purposes that which we do not pay for, and that if you take away something which I will not say a person has a right to; but if he has it, and if he is in such relations with his landlord that he is likely to retain it, and if a third person for public purposes chooses to take it away, that you must pay for it. I desire to say that I am afraid in that respect I may be found a little in conflict with my noble and learned Friend at the head of the Government; but I do not think the inconvenience which is caused by these gates is so great as has been represented. Like the right rev. Prelate, I can speak from personal knowledge, having lived within the ambit of these gates. I

have not taken the trouble to go again to look at the place; but as far as my knowledge of it goes, the inconvenience is that you must go round by Tottenham Court Road on the west, or by Burton Crescent on the east. That is the whole inconvenience; and if you measure it, it is not a question of miles or half miles, but merely of yards. That is the supposed inconvenience. The traffic which comes up from the east can very readily go up by the Bagnigge Wells Road; and the traffic from the west by the Tottenham Court Road; but because there is this little "short cut," which might be made available, it is supposed that there is great inconvenience to the public in the existence of these gates. I remember hearing in the course of my professional experience of a very curious case of an effort which was made to establish a right of way between two of the doors of a public house which stood between two roads. There was a passage through from one road to the other, and there was no doubt that the public had been accustomed to go through the two flap doors as a short cut. We know that a short cut is a most fascinating thing, and accordingly an effort was made to establish that a public right of way had been acquired between those two flap doors of the public house. I am happy to say the effort failed, but that is a singular instance of this kind of claim. If a third person is to come forward and set aside the rights of the freeholder and the leaseholders, where is the interference to stop? My noble and learned Friend has said he does not recognise the claim to compensation, except where a legal right is invaded. But the legal right of the leaseholder here is certainly invaded.

LORD HERSCHELL: The leaseholder asked for no compensation.

THE LORD CHANCELLOR: I think my noble and learned Friend was not quite accurate. The freeholder did not oppose in the other House—so I am told, and I believe accurately. That he does not think it worth while to oppose the Bill may be very well understood, after the decision in the other House and in the Committees; but he opposed the Bill in the other House, and, therefore, that shows that he does not assent to it, though he has not thought it worth his while to continue his opposition in this House. You have, therefore, the legal right of the freeholder interfered with and invaded. Is it not a reasonable thing for the tenants, the leaseholders, and others, all of whom desire to maintain the privacy of this district, to say, "You are taking away the legal right of the freeholder, on which we were perfectly justified in relying; and we knew we could rely upon it, for he would not changed the position in which the property now stands; you have taken away from us the protection we have now; you have taken away these restrictions; it rests entirely upon the state of good feeling between tenants and lessees and their landlord; and if you are going to take this course, which the right rev. Prelate has designated as a high-handed measure, you must provide some kind of compensation for those who are injured?" I do not understand the argument which my noble and learned Friend used with reference to the remoteness of the compensation which might be claimed—that persons in one street would claim because their street let into another street which was affected by this throwing open to public traffic. This claim could only be made by persons within the protected district. Persons who are not within the district have not paid extra prices for their leases or houses, and they are not entitled, in point of justice, to compensation. They have taken their houses like others in the Metropolis. But there is here a real case for compensation. People have gone to this place for privacy, and have paid for it, and the persons letting the houses have let them on such terms as represent that price. They would now have to pay the same rates as before, in addition to the sums which they had so paid.

LORD HERSCHELL: Would the noble and learned Lord allow me to ask him to define what he means by "protected district?"

THE LORD CHANCELLOR: The district protected by these gates. My noble and learned Friend does not seem to be aware that there are gates on four sides. For instance, the gate at Gower Street shuts out the traffic from St. Pancras, and practically it comes to this: that there is an area which is completely protected against heavy traffic passing through it.

LORD HERSCHELL: I believe there is nothing on the south of Russell Square.

THE LORD CHANCELLOR: There is nothing on the south of Russell Square, I agree; but persons going through and looking at the physical condition of the neighbourhood can see that it is a protected district, heavy traffic being prevented passing through it to the London and North-Western and St. Pancras Stations. I am quite aware that the London and North-Western Railway was not in existence at the time these gates were put up; but I say it is an extraordinary thing to claim that these gates should be thrown down because the London and North-Western Railway is there now, and has established a large station for the reception of traffic. That, I should think, is one of the things which the persons clamouring to keep this district private would insist upon us showing the equity of this claim. My noble and learned Friend said that he has lived in a place near a railway station. So have I. In fact, I lived within the protected district, in Bedford Place, at one time, and subsequently outside it, in the neighbourhood of the Great Western Railway, where there was no protection. In the former place there was perfect quiet, but in the latter I found that it was impossible after 4 o'clock in the morning to get anything like sleep on account of the noise made by vans and carts. That seems to me to constitute a serious grievance, and not at all a fanciful one. I cannot help surmising that my noble and learned Friend's reference to the gentleman's carriage being allowed to pass the gates is explained by the fact that it was not by reason of social considerations, but because it was not a heavy vehicle.

LORD HERSCHELL: I beg the noble and learned Lord's pardon; but even in that case some were turned back, and when the explanation was given it was found that they were thought to be hired flys.

THE LORD CHANCELLOR: The argument founded upon this is, that for 35 years these streets have been paved and repaired at the public expense. When those who made that arrangement made it, they agreed to pay, and did pay, with the gates there. If that was an improvident bargain to make, as it is now thought apparantly according to this Bill, looking to its terms, it was an improvident bargain made 35 years ago, and since kept. It seems to me that is rather an additional objection to this sort of legislation than anything else, and that you have here a bargain made which has received the sanction of the Legislature itself; but now, without compensation, you are asked to take away that advantage which the Legislature secured at first. My Lords, I confess I regard, with great jealousy, attempts of this sort to interfere with the comfort and convenience of persons who have been guilty of no wrong, who have paid their money for the purpose of obtaining that protection which they have received, and which you now propose to take away simply because it is said the public suffer some additional inconvenience by being obliged to go round, really a distance of a few yards by Tottenham Court Road, or Judd Street, or Burton Crescent. I should have been much better pleased, I confess, if the Committee could have seen their way to do that which would have prevented all question by recognising the right of the inhabitants of this district to compensation. I think it might very well have recorded an opinion in favour of the claims to compensation which my noble and learned Friend has put forward; but as the Committee have refused to take any such course, I shall vote with my noble and learned Friend in moving the rejection of the Bill.

THE MARQUESS OF SALISBURY: As my noble and learned Friend has rather challenged me in regard to the inconvenience, which I have myself experienced from the existence of these gates, I wish merely to say that the inconvenience seems to me to be not merely that the public have to go round, but that the traffic through the streets remaining open is so congested in consequence of so many streets being withdrawn from traffic, that a very serious impediment to the traffic of London has resulted. I merely wish to make that little correction, because I confess to be in some little difficulty as to the vote I shall give, because the issue which my noble and learned Friend has put forward is not the issue on which I should have liked to vote. If he had produced a compensation clause, I should have been very glad

to consider it, and it is very possible we might have seen our way to sanction the introduction of something of the kind into the Bill which would have satisfied us; but he has not done so, and he proposes that after the Bill has been considered in two Houses, after the Bill has been submitted to the proper tribunal, and the proper tribunal has determined that there shall be no compensation, and that the Bill shall pass, we shall reject the Bill altogether on account of that decision. I think that is leaning rather heavily against the public in this matter, and that, on the whole, as my noble and learned Friend has not given us the opportunity of voting upon the question of this compensation, I think we are bound to pass the Third Reading of the Bill. I do not wish to be the cause of continuing this Debate, but I should have been glad to hear from some Member of the Committee the reason for the views which they took in deciding that no compensation was justly to be paid. With regard to the argument of the noble Lord opposite, Lord Herschell, the point on which he seemed to rely was that of estoppal against the freeholder, because he did not appear in this House, but I can quite understand his objection. He is a great London landowner, and he might very well think that it would put him in an invidious position to renew here the opposition which he offered in the other House of Parliament. I do not think that could be made a ground of estoppal against the freeholder for refusing him his just right. I should have been glad to have had the opportunity of voting upon a compensation clause; but when the question is put to me whether I shall vote for the Third Reading, or throw out the Bill, I see no alternative but to support the Bill, and I am consoled by the reflection that if we granted compensation after all, it would have to be decided by a jury, and I do not know that a jury is a superior institution to the five Members of this House and four Gentlemen of the other who have decided against compensation.

LORD HERSCHELL: I should like to be permitted to add one word by way of explanation. I certainly did not intend to be understood as arguing that the noble Duke by not opposing the Bill here would lose his claim to compensation. What I said was, that when he petitioned in the other House he did not petition on the ground that he was aggrieved, but entirely on the ground that he appeared in the interests of his lessees and tenants.

LORD HOUGHTON: My Lords, as I had the honour of acting as Chairman of the Committee which considered this Bill, and reported upon it to the House in its present shape, I think it will be most convenient to the noble Marquess if I rise at once to state what our reasons were in coming to the decision at which we arrived. In speaking of the Committee, I should like to state frankly at once that our decision was not arrived at without some discussion, and although, for reasons which your Lordships will quite appreciate, none of my noble Friends attempted to divide the Committee, yet their opinion was not entirely unanimous. I only say that, so that when I speak of the decision of the Committee I may be understood as speaking of the decision at which the majority ultimately arrived. Something fell from the noble and learned Lord on the Woolsack as to the great necessity for the Bill not having been, in his opinion, entirely proved. I am bound to say the evidence given before us on that point seemed absolutely overwhelming. We had the evidence, in the first place, of the officials of the County Council, who perhaps the noble Lord would say were not unbiased, but we also had the evidence of one of the Superintendents of the North-Western Railway, the Secretary of the Cab Proprietors' Association, a representative of the St. Pancras Vestry, Inspectors from two divisions of police, the Parcels Delivery manager, and Messrs. Shoolbred, and other van proprietors in the neighbourhood, and I believe that we might have been hearing evidence of that kind still had we not concluded that we did not consider it necessary to be further informed on the subject. I am told that attention has been drawn to that point by the noble Marquess, but I should like to impress upon your Lordships that owing to the form which my noble and learned Friend has employed on this occasion, if he succeeds, the Bill will be absolutely lost. There is no question of its Amendment; and the public will still have to suffer

what I think I may say was unanimously regarded by the Committee, after a hearing extending over some days, was a very great inconvenience indeed to the public. Therefore, I may say that the only point we had to decide was the question of compensation. That question of compensation was rather presented to us in two different points of view. In the first place, from what I may call the good-natured point of view, it was urged very strongly that these people might suffer inconvenience; that London is a very rich town; that it is desirable to make everybody as happy as possible; and that, therefore, it would be much better to give compensation. But, my Lords, we do not live in Arcadia, where everybody may be supposed to be to be made perfectly happy, but we live in London, and in London, as my noble and learned Friend behind me has shown, people are often put to great inconvenience in these matters of street improvements and opening streets for traffic without receiving any compensation at all. However, I need hardly say that was not the point of view in which the learned counsel who conducted to case with great ability presented it, but that they pressed it from the practical point of view of the question. We had to go back to what we considered was the original intention with which these gates were erected. The noble and learned Lord said that if the then Duke of Bedford, at the end of last century, had wished, he need not have erected gates at all, but might have put walls or houses there, and he need not have made roads. I suppose there would have been nothing to prevent the then Duke of Bedford laying out his estate, if he had chosen, on something like the principle of the maze at Hampton Court, with all the streets *culs de sac*, and all the squares only approachable by balloons, but it was of, course, very unlikely that he would do anything of that kind, and what he did was to lay out the estate to the best advantage. The contention of the petitioners was that the gates were placed there with the object of making the estate a private and residential estate. That point was at once taken issue upon, and we decided it was not by any means proved. Your Lordships have heard that the Paving Commissioners were appointed at that time in connection with the building-estates, and were entitled to rate the inhabitants for paving purposes. Adjoining the Duke of Bedford's estate was an estate of the Skinners' Company on the east, and another belonging to a Mr. Mortimer on the west. These estates are specially mentioned in the Act of Parliament to which my noble and learned Friend alluded, as being the estates to secure protection against which, these gates had been set up, and the inference seemed to him absolutely certain that the intention with which those gates were then erected was to prevent, when the time came for laying out those adjacent estates, the carts filled with heavy materials passing over those roads on the Bedford estate which were to be made by the inhabitants of that estate alone. Not to detain your Lordships too long on this point, matters went on as they were, and several other Acts were passed which left matters very much in the same position until the year 1855, when the Metropolis Management Act was passed. There were then over 300 of these little Paving Trusts in London, and the time had then come to consolidate the paving of the whole Metropolis, and, as your Lordships are aware, it was then handed over to the different vestries. Then my noble and learned Friend says if that was the only reason, why were the gates not taken down at that time? My answer, like that of the noble and learned Lord, is that they most certainly ought to have been taken down, but there are, I think, two reasons why they were not; one was suggested by the learned Council, who appeared before the Committee, and it is to the effect that this Metropolis Management Act was rather in the nature of an experiment. It might not have succeeded, and it might have been found necessary to go back to the Paving Trusts, and in that case the loss of the gates might have been a serious matter to them. But I think in reality what weighed more with Parliament was that at that time the gates were not a serious nuisance, that 35 years ago there was by no means the same amount of traffic as there is now, and, as your Lordships are well aware, Parliament is very timid of touching anything of that kind, or of interfering with legal rights, unless a strong case

is made out for doing so. On that point we arrived at this conclusion, that, in the first place, the gates were put up to save the roads, and not to keep them private, and that the roads were, therefore, to all intents and purposes, and ought to be treated for all intents and purposes as public roads; and we also arrived at the conclusion, which I may say was very hotly contested by the petitioners, and appeared to them to be a very strong point, although we did not give it as much weight as they desired, namely, that the Duke of Bedford was the sole proprietor of these gates, that he had power either to take them away, or to alter their present position or to remove them without asking his leaseholders. That was hotly contested, but as the noble and learned Lord has conceded the point I do not know that I need say anything more about it. Supposing my contention to be correct, that the gates ought to be taken away, then the real fact is that these people have had thirty-five years more of privacy than they were really entitled to. I was told of a case the other day of a man who had kindly allowed some friends to live for three years in his house, which they did with great apparent satisfaction, but at the end of that time they went to live elsewhere, and sent him in a claim for £2,000 compensation. It seems that is rather the manner in which the inhabitants of these squares are acting towards the public at this moment. Then we come to the point that these houses were taken on the faith of these gates being there. All I can say is there is nothing to show it. I could understand it if there had been covenants in the leases to the effect that if these gates were taken away the lessees would have had a claim, then the Duke of Bedford could have come to the Committee and said, "You see what you are doing; you are diminishing the value of my property." I think in that case the Duke could have made out a claim to compensation, but there are no such covenants in the leases, and how the Duke, except under those circumstances, could have asked for compensation I fail to understand. I do not want to lay too much stress on the fact that the Duke of Bedford did not appear before us. I think the reason given by the noble Marquess may very likely be the right one. As the noble and learned Lord on the Woolsack drew attention to the fact that he did appear in the other House, it is only fair for me to say that he did so only to say what he could for his lessees, and I have no doubt that being on good terms with them he would have liked to say what he could for them. But what I want your Lordships to do is to regard very carefully the possibility of these houses having been taken on such a distinct understanding as mentioned. Take the case of Carlton House Terrace. Supposing one of your Lordships took a house there. I am not sure of my facts here; but I think there would be nothing to prevent the Crown turning Carlton House Terrace into a thoroughfare to-morrow if they chose, and if they considered Pall Mall so congested as to require that to be done. I do not imagine that in such a case the inhabitants of Carlton House Terrace would have a claim to compensation, and yet their expectation of continuing to enjoy their privacy is quite as reasonable as any which these people living in Upper Woburn Place could have had by the maintenance of these gates. Once you concede that they had not a right to maintain these gates themselves, and that the Duke of Bedford could not do so either, I cannot see where their claim for compensation comes in. I should like once more to impress upon your Lordships what has been often said, that claims for compensation for annoyance, as conceded by the petitioner's own witnesses in the case, cannot be maintained or defended. All they claimed was compensation for deterioration of property, and even if they were entitled to make out their case upon that they did not make it out on the ground of annoyance. Of course, if we could have given it them it would have been much more agreeable to us. It is very nice to sit on a Committee and please everybody, if that is not done at the public expense; but we did not desire to confiscate anybody's property. The reason why we did not assent to the claim for compensation was simply because we did not think anybody had made out a claim to compensation.

THE EARL OF SELBORNE: My Lords, I should like to state in a very few words the reasons which bring me to the same

conclusion as the noble Marquess opposite, a conclusion which I confess I have reached with very great difficulty, because now that we have heard from the Chairman of the Committee the reasons which induced the Committee to give no compensation, I am bound to say that so far as the freeholders are concerned those reasons seem to me to be quite insufficient and quite unsatisfactory. That is my only reason for voting in favour of the Bill. I think the leaseholders have not, strictly speaking, any legal *locus standi* in this matter. The rule about compensation in Acts of Parliament where the Lands Clauses Consolidation Act applies is that unless an action could have been brought in the absence of an authority given by the Act of Parliament there is no right. Having heard this debated fully it does seem to me perfectly clear that the occupiers of these houses would have no right to bring any action at all. They have no contract with the freeholder, and it seems to me that the freeholder could, without giving them any right of action, have consented to the removal of these gates, and that if he has consented to it they are entirely out of Court. The reasons urged in connection with the paving of the streets, and so on, seem to me, if I may say so with respect, to be irrelevant. I do not think they would have the least tendency to bar any right to compensation, which would otherwise exist. In this stage of the matter what effect ought to be given to the action of the freeholder in not appearing before the Committee to ask for compensation? Upon the whole I cannot but come to this conclusion, that it must be interpreted as a virtual consent by the freeholder to leave the matter in the hands of the Committee. The Committee have apparently acted upon that principal, and upon that I have been unable from any of the reasons suggested, except those which affect the freeholder, to say that compensation ought to have been given. I think, therefore, the best way of arriving at a just conclusion is to assume that the freeholder did not wish to press his claims.

LORD HOUGHTON: I should desire, my Lords, to say one word in explanation. I carefully intended to guard myself against saying anything as to whether the freeholder waived his right to claim compensation or not. All I said was that he did not ask for it, and that seemed to us on the Committee to be absolutely conclusive.

THE EARL OF SELBORNE: If the freeholder had asked for compensation it seems to me his right to compensation would have been as clear as any that has ever been brought before Parliament.

EARL GRANVILLE: My Lords, I do not rise to add anything the discussion of a subject which, I think, has now been pretty well threshed out. I am perfectly satisfied from what has been said by my noble Friends, Lord Herschell, Lord Houghton, Lord Salisbury, and Lord Selborne, as to the vote which I shall give. My reason for rising is to give a short and, perhaps, not very unimportant explanation. I find that I was reported on the Second Reading to give my opinion in favour of compensation. Now, I gave no such opinion at all, and I was quoted afterwards as having done so. What I stated was this: that by general consent the present state of things is an inconvenience to the public: that the removal of the gates would be a convenience to the public—everybody was agreed upon that; that with regard to compensation there was a difference of opinion, and that if the Bill had been rejected on Second Reading your Lordships would have destroyed the chance of removing an inconvenience to the public, and would have left undecided the question of compensation, which appeared to me to be a very fitting one to go to a Committee. The Committee, as my noble Friend has very fairly described, came to the conclusion that compensation is undesirable, but if they had proposed a clause of a practical character I should certainly not have been one to oppose their decision. However, as this Committee has, after very carefully hearing evidence, and having discussed the whole matter, come to the contrary opinion, I should extremely regret that this House —I do not wish to dwell on the reasons why I think so—should pass over the judgments of the Select Committee of the House of Commons and the Select Committee of your own body, that an end ought to be put to what is on all

hands regarded as a great inconvenience to the public.

*LORD ZOUCHE: My Lords, as a Member of the Committee before which this matter was brought, perhaps I may be allowed to say a few words. It has been stated with great candour by my noble Friend opposite, Lord Houghton, that, although we did not actually divide on the question, yet that we were by no means unanimous as to the questions involved, particularly that of compensation. We discussed this question at very great length, and I can assure your Lordships we gave every attention to it. I should be the very last to make light of the decision of a Committee, or to say that their verdict should be lightly set aside. They occupy a position of very great trust; they have important matters to deal with; they have a high reputation in your Lordships' House, and admittedly do their work well; but I do not mean to say that under no circumstances ought the verdict of a Select Committee, such as this, to be passed in review before your Lordships' House. In fact, in this case, there were somewhat unusual difficulties presented to us. Although, when looked at in one sense—perhaps what I may call the common sense view of the matter—it was extremely clear, yet there were technical points raised which, although we gave great attention to them, were far fitter to be dealt with by a tribunal composed of men possessing legal training, than by an entirely lay tribunal. Besides that, there was a further difficulty which, I think, has been admitted several times in your Lordships' House, and that was the non-appearance of the freeholder, the owner of these gates, either as a claimant for compensation, or as opposing the Bill in any way. Of course, my Lords, this was, so to speak, the trump card in the hands of the London County Council. All reference to the Duke of Bedford, who happened to be the freeholder in this case, was immediately stopped, and there was a point connected with that which I ventured to raise in the Committee which I considered relevant, and I will leave your Lordships to judge whether it was so or not. I ventured to inquire whether, because in this particular case an owner of property (because it was admitted there was an owner of property here) makes no particular objection to having his property taken away in one particular instance, Parliament should on that account sanction a Bill giving to a Municipal Body like the London County Council, or to any Municipal Body, power to act in such a sweeping manner, and to take away a man's property without giving him a shilling of compensation for it. That is a point which I venture to think is extremely relevant to the issue which you have to determine to-night. It was admitted, after a few moments of the opening statement of counsel, that these gates were the property of the freeholder, and then there was this curious statement made: Supposing instead of there being gates here there had been a house built across the street, then, of course, proper steps would have had to be taken to purchase. But it was said you may take away a man's gates, and it is nonsense to say you do not injure the property by doing that; but that if it happens to be a house, you must give him something for it. It was contended, also, that there was no claim for the freeholder because his property was not injured; but it was proved over and over again—in fact, it was sufficiently obvious that if you take away the protection which these gates give to these houses, the property would suffer. Then came the other case put forward—how far the lessees and occupiers were entitled to compensation. There was a great deal of technical reasoning about it; but the main argument was that these people had not really any vested interest in the gates. That was one of the great arguments for compensation; not only were they protected and their property made of greater value by the existence of these gates, but these gates were put there by the freeholder under an Act of Parliament—were kept up by him under a series of Acts of Parliament. But it was contended on the other side that as these gates were not to be removed without the consent of the owner, therefore the owner could at any time give that consent, and that in that case these unfortunate people would have no redress whatever. But it was somewhat necessary for that contention to ascertain whether the freeholder did in fact give his consent or not. It was never for one single instant contended, although the freeholder had

not chosen to appear for reasons of his own against the Bill, that he had in any sort of way given his consent to these gates being taken away. I do not wish to detain your Lordships after so long a Debate as has taken place, but I think for these and many other reasons it would be unwise to establish such a precedent, and that by admitting this principle you would be establishing a very dangerous precedent. I think in this case especially it is somewhat advisable that your Lordships should review the decision of the Committee, and I would submit that your Lordships should now carefully consider whether you will allow this Bill to proceed or not.

*THE EARL OF WEMYSS: My Lords, I have risen more than once to address the House, and I apologise for speaking so late, but I have only a few words to say. It appears to me this is not a question which is at all involved in any legal technicalities, but that, on the contrary, it is one of the simplest questions ever submitted to your Lordships' House. To my mind it is simply this: will your Lordships sanction what the right rev. Prelate has called a high-handed and arbitrary proceeding, namely, the overthrowing of existing recognised rights without any compensation being made. That is the simple question. All other questions as to whether the proprietor, the Duke in this case, has done this or that sink into nothingness compared with that simple proposition. It turns, therefore, upon this: are there existing rights; are they recognised; have they been acknowledged? Having read the statements made by the promoters and by the opponents of this Bill respectively, and having read the evidence, it appears to me that these rights have been recognised over and over again. They have been recognised in Acts of Parliament; they were recognised by the Act of 1855, to which the noble and learned Lord the ex-Lord Chancellor referred, which constituted the Metropolitan Board; they were recognised by Lord Magheramorne in the House of Commons when he was at the head of the Metropolitan Board. He was asked a question on this subject by Mr. Montagu Guest, whether they would bring in a Bill to do away with all gates and obstructions in the Metropolis. Lord Magheramorne's answer was that it was a question involving great rights and claims to compensation. Sir William Harcourt was asked in the House of Commons at the same time—this was in the year 1884—a question on the same subject by Mr. Montagu Guest, and what was his answer? I will give it as it was given in evidence before this very Committee, which reported in favour of this measure. Sir William Harcourt, in reply to the question of Mr. Montagu Guest, on behalf of the Government, said he

> "Did not think the matter was one which the Government ought to undertake; that owners of land and residences were interested in the maintenance of these gates, bars, and posts; and that it was impossible to destroy those interests without making compensation."

I would then refer the noble and learned Lord the ex-Lord Chancellor to the language used by the late Home Secretary upon this question of compensation for the reply to his argument. Therefore, I submit that it is thus distinctly shown that the principle of the right to compensation has been fully recognised and accepted. But more than that. These statements which I have quoted were made, as I have said, in the year 1884. What happened in the year 1885? Why, the Metropolitan Board of Works, as it then was, which has now been succeeded, as we know, by this London County Council, brought in a general Bill, and in that general Bill they had a clause accepting the principle of compensation and making provision for it. That Bill was for taking away all such bars, gates, and obstructions and it provided that the owner of any such bar, gate, or other obstruction was entitled to receive from the Board compensation in respect of the taking down and removal of such bar, gate, rails, or other obstruction. And that was a Bill brought in by the London County Council of the day only five years ago. Further than that, I maintain that the promoters of this Bill have shown that they know the principle of compensation is at stake, because they have declined to put in this Bill the Lands Clauses Act Compensation Clauses, because they knew, of course, that if they had incorporated and adopted that clause they would have had to give compensation. I will go further on this question of compensation, and say that this very

Committee, although apparently unanimous in its Report, certainly appears from the speech of the noble Lord who has just sat down not to have been at all unanimous in the view which it took of this question, because there were statements made as to what an important question this was in dealing with property and the danger there was of this London County Council in other cases dealing with property without making compensation. That is what the noble Lord tells us. I say that the Committee has itself shown that this case admits of the application of the principle of compensation by the suggestion they have made with regard to repaving these streets. That shows clearly that they admit this principle of compensation, and that they recognise that this measure will be an injury to these inhabitants. The surveyors who gave evidence say that it will lower the value of their property 25 per cent., and the Committee accordingly propose this new idea for the first time: they propose that the compensation, instead of being paid as it should be in current coin of the realm, is to be paid in wooden blocks, with, I suppose, the image and superscription of Lord Rosebery on one side—whom we may look upon as the "Hadji-baba" of modern Metropolitan municipalism—and with the figure of Lord Houghton as "Britannia" on the other. And what is the reason given for all this? Public convenience! Nobody doubts that it may be a convenience to have these gates and bars removed, but that is no reason why property should be confiscated; and if these streets are to be thrown open, the noble Marquess, when he is in a hurry to catch a train to get to Hatfield, may find himself more obstructed and impeded by the carts and waggons passing along them than ever he has been by these gates. But I quite admit that the existence of bars of this kind in the centre of a great Metropolis is in these days an anomaly, and that they constitute an obstruction which ought to be swept away; but not without compensation. And what is the reason given for it? We have heard nothing from the promoters of the Bill of the rights which, as I have pointed out, have been recognised so frequently; but we have had, instead, false analogies drawn between this district and parts of the town which have nothing whatever to do with the question, such as Hamilton Place and other districts which had not the guarantee of Acts of Parliament. Your Lordships have had an argument used to-night by the noble and learned Lord the ex-Lord Chancellor, which he used on a former occasion and which has also been used by Lord Rosebery, which goes very far, namely, that those persons who claim to be compensated may be very thankful that they have had the use and enjoyment of this privacy for so many years. Why, my Lords, what is that but Henry George's argument with regard to land? It may be applied in the same way to every estate possessed by any one of your Lordships, as proposed by Mr. Hyndman and the Socialists. But Mr. Hyndman and the Socialists go further; they would strike against pensions and property of all kinds; and how will my noble and learned Friend like it when they come and propose to take away his pension on the ground that he has enjoyed it for so many years? There is no half way. The true principle is, that if the public wants something for which they require to get an Act of Parliament, in order to take it from the owner, or lessee or whoever it is, compensation ought to be given; and it is with something more than astonishment—I may say it was with consternation—that I heard the noble Marquess at the head of the Government, from whom we might have looked for protection in these matters, declare that he would vote for this Bill. I heard with far greater pleasure the speech of the Lord Chancellor, and I hope that the majority of this House will on this occasion follow the Lord Chancellor rather than the Prime Minister into the Lobby.

THE EARL OF MORLEY: My Lords, I will not detain the House more than a few moments, but I should wish to add my own humble contribution to the remarks of those who have urged your Lordships to pause before you reverse the decisions which have been come to by the Committees of your Lordships' House and of the other House of Parliament, and adopt the Resolution moved by the noble and learned Lord behind me. I do not for a moment mean to assert that it is never proper to review the decision

of a Committee of your Lordships' House; but the occasions when we do so are generally when it is found either that fresh evidence has been obtained, or that evidence which has been offered has not been received. In this case no fresh evidence has been brought forward, and no occasion of that kind has arisen. It has been admitted, I believe on all hands, that the inquiry into the Bill was conducted with great care, patience, and ability; and I venture to say that the House would incur no little responsibility if it now reversed the decision of the Committee, arrived at after hearing evidence on the matter for no less than three days. I do not wish for a moment to traverse again all the ground which has been gone over by the noble Lords who have already spoken; but this I would say, that it appears to me at the present time an entirely false issue is placed before the House. It is admitted on all hands that the Bill which you are now asked to throw out will be for the public convenience. There is no doubt whatever about that. Then, why did not the noble and learned Lord bring forward a Motion which would agree with the argument he used, namely, that although good was to be obtained by the Bill, it should be paid for? If the noble and learned Lord had brought forward a clause proposing that compensation should be given in certain cases and in certain ways, I think it would have been perfectly open to the House to have discussed the matter; but now, to throw out this Bill at its Third Reading, after it has been fought through both Houses and threshed out with the greatest care in both Houses, is a course which your Lordships ought not hastily to adopt. With great humility I would venture to urge that the House ought not to take that step without great and careful consideration. The noble Lord who last addressed the House has spoken of the recognised rights which are taken away and not compensated for. I really think the noble Lord cannot have risen to the weighty argument which has been presented by the noble and learned Lord, Lord Selborne, who said, and with perfect justice if I may be allowed to say so, that the leaseholders who petitioned against this Bill had really no legal rights whatever on which you could base compensation. I do not wish to argue the subject over again; but I thought it right to say those few words in the endeavour to induce your Lordships to pause, at any rate, before you assent to the proposition of my noble and learned Friend.

On Question whether the word ("now") shall stand part of the Motion, their Lordships divided:—Contents 38; Not-Contents 29.

Resolved in the affirmative.

Bill read 3ª accordingly, with the amendment.

THE EARL OF WEMYSS: I beg to move the postponement of the last stage of this Bill until Tuesday next. The noble Marquess the Prime Minister has not, I think, disputed the reasonableness of compensation; but on the occasion of the Second Reading he said he thought the Second Reading ought to be passed, and I believe if the noble Marquess had not intervened on that occasion it would not have passed. He suggested that it ought to be sent to a Select Committee, and that in Select Committee it could be considered whether a Compensation Clause ought not to be put in. He said that if a Compensation Clause had been put in he would have considered it. I venture, therefore, to propose a postponement in order to give an opportunity for the adoption of a clause of that kind. There are precedents for it, and there is no hurry for the last stage. A postponement until Tuesday would give an opportunity for following the course proposed by the Prime Minister.

THE MARQUESS OF SALISBURY: As my noble Friend has mentioned me specially I will say a word. I see no objection to the postponement. I believe that if there is to be a practical clause of compensation brought forward, which approves itself to the majority of the House, I am sure it would be very satisfactory that it should be proposed. After having been told that such a clause is contemplated, it would, I think, hardly be just—especially as there is no hurry in the matter—if we insist on now passing the Bill.

EARL GRANVILLE: But surely this is a very unusual practice, suggesting in this way a clause at the last moment.

Why did not my noble Friend prepare a clause ready for insertion in the Bill? I think we were entitled to have had the clause prepared at the last stage of the Bill. If my noble Friend thought that course desirable why did he not prepare a clause?

THE EARL OF WEMYSS: The proposed clause was not prepared by me, and it may not, perhaps, be exactly the clause that ought to be put in. Whether it is put in to-day or on Tuesday really cannot matter, as the noble Earl knows perfectly well; and I think, with the view of justice being done to all parties, it had better be postponed. Therefore, I still adhere to my Motion, that this last stage of the Bill be postponed.

Bill to be further proceeded with on Tuesday next.

ALLOTMENTS ACT (1887) AMENDMENT BILL.—(No 151.)

THIRD READING.

Order of the Day for the Third Reading, read.

Bill read 3ª (according to order.)

Clause 5.

*THE PAYMASTER GENERAL (The Earl of JERSEY): I beg to move the Amendment which stands in my name.

Amendment moved, in page 3, line 37, after ("meeting") insert—

"Nothing in this section shall give any right to hold a public meeting in the schoolroom (*a*) unless not less than six days before the meeting a notice of the intention to hold the meeting on the day and at the time specified in the notice, signed by the persons calling the meeting, being not less than six in number, and being persons qualified to make a representation to the Local Authority under the principal Act, has been given, if the school is under a School Board, to the clerk of the Board, and in any other case to one of the managers of the school; nor (*b*) if the use of the schoolroom on the said day and at the same time has previously to the receipt of the notice of the meeting been granted for some other purpose; but in that case the clerk or manager, or someone on his behalf, shall forthwith after the receipt of the notice, inform in writing one of the persons signing it that the use of the school has been so granted for some other purpose, and name some other day on which the schoolroom can be used for the meeting.—(*The Earl of Jersey.*)

Agreed to.

EARL BEAUCHAMP: I have to move, your Lordships, in line 32, after the words "the Act or," to insert the words "with the consent of the managers." This clause was introduced at the last stage of the Bill in the discussion in the House of Commons. It was introduced late at night and with the result of raising, as I am informed, a long and rather animated discussion. I do not think those who framed the clause or who agreed to it had taken the pains to work out to its ultimate conclusion the clause which they accepted, and I am confirmed in that opinion by the fact that the noble Lord who has charge of the Bill himself proposes an Amendment which materially alters the operation of this Clause 5; but it will be my object to show your Lordships that no Amendment would be satisfactory which gives the control of the school-rooms in others than those in whose charge they are at present vested by law, that is the managers. I leave out of consideration at present how far it is wise to import into the purposes for which school-rooms may be used their employment for the discussion of debateable questions, such as the adoption of the Allotments Act. I will assume that is all quite right and proper, though something might be said on the other side. But I pass that by, because I am anxious that your Lordships should not throw any difficulty in the way in the working of the Allotments Act, and that you should afford full facilities for giving effect to it. Your Lordships must know that as regards schools built entirely with public money, as in the case of schools erected under the School Boards Act, they are under the management of a Board, though I think there, again, Parliament has a right to control the arrangements of the School Boards, and to dictate the terms under which use shall be made of the schools. But as it stands, this clause is in a very crude and imperfect state, because whatever arrangements may have been made by those who have the charge of the schools at the present moment, whether they have let them for any parochial purposes, or for parochial meetings, as is often the case, those arrangements will be likely to be disturbed by the machinery provided in Clause 5. I think your Lordships will see that when there have been arrangements made for the regular and orderly use of a school, it should not be open to any body of unauthorised and

irresponsible persons to come forward and claim the use of that room, and to upset and thwart and multiply the arrangements which have been made for its use. Therefore, it is that I propose the words "with the consent of the managers" should be introduced. Even in the case of Board Schools the inconvenience would be very great, but it must be intensified in the case of voluntary schools, under the control of voluntary managers. The noble Earl proposes, as an Amendment, a proviso at the end of the clause which is wholly inadequate to cure the evil which it recognises; he proposes that notice shall be given to the clerk of the School Board (that is all right, no doubt), and also to one of the managers. That may be a very convenient arrangement, but it may turn out to be a very inconvenient and unworkable arrangement, because you must assume, for the purpose of argument, that the use of the school is not one which is generally viewed with favour by the managers, because, of course, if everybody is agreed there is no need of any compulsory arrangement. This clause would only come into operation when there is a difference of opinion. Your Lordships will see how, by this clause, the power is put into operation: that notice should be given to one of the managers. Some managers do not even reside in the parish. I am myself manager of a school in Dorsetshire, 18 miles from where I reside, and it might so happen that notice might be sent to me. I might be away, and the necessary notice would have been given behind the back of the ordinary manager of the school, who would be ousted from all voice in the matter. That is not all: because as the clause stands in all its nakedness it would compel a manager whose school may be his own property to give up the use of the school-room for the purpose of carrying out the Allotments Act without giving him any control, or chance of appeal, or of making any arrangements at all. I am quite aware that the noble Earl who has charge of the Bill is going to propose that there shall be an appeal, and when that is proposed I think I can show your Lordships how badly it will work; but I would point out that if there is to be harmonious co-operation there must be some determining authority. When two people ride on a horse one must ride behind the other. The schools, in fact, are not to be retained in the control of the managers, they are to be handed over to the control of irresponsible persons. I put it to your Lordships whether it will not contribute much more to the harmony and peace of the parish if the control of the schools is left where it is now with the managers, subject to a reasonable appeal, which could be easily arranged, to the control of some body known to the law and not to one of the managers. I have mentioned the case of one manager being non-resident; I will now take the case of a notorious difference existing between managers, there being, for instance, one person who is not on good terms with the others, who may have made himself obnoxious, and who is, perhaps, anxious to pose as a popular demagogue, or who may be in known hostility to the other managers of the schools. It is to be supposed that the peace and harmony of the parish and the proper working of the schools will be promoted if the clause as it stands passes into law, even with the modifications to be subsequently proposed by the noble Earl who has charge of the Bill. There is another point to which my attention has been called, and that is that there is no limitation with regard to the point of time. The persons who may claim to make use of schools may claim it on Sundays, or on any other day of the week; there is no limitation at all. As I have observed, the whole object of this clause of the Bill is to provide for cases where dissension exists. How much more will dissension be promoted when you leave it open to those who claim the use of schools to claim it for themselves if they like on Sundays; and it is quite possible, as far as I see, if they claim it that their claim might be enforced. In the Amendment proposed by the noble Earl it is said that six persons qualified to vote must apply; but those persons may not necessarily be substantial people, and I cannot help thinking that, in view of the fact that these buildings may have been built mainly by the munificence of those who are anxious in the cause of education, and who have impressed those buildings primarily with a Trust for education, for in many cases they have been built gratuitously, and do not belong even to

a public body, it is desirable, in the interests of the parish, and in the interests of peace, in the interests of harmony, in the interests of the harmonious working of the Allotments Act, that you should not provide such a means of strife, and such an opportunity for discord, as will be provided if the Bill as it stands passes into law, even with the safeguards proposed by the noble Lord. Therefore, I hope your Lordships will maintain the managers of the schools in the position in which they are placed by law, that there shall not be the consent of this or that manager required, but of the managers generally, a body well known to the law, subject, if the Government pleases, to an appeal which shall not aggravate the offence complained of. I quite agree that the County Council is a responsible body which is not likely to misuse the powers entrusted to it. As far as the County Councils are concerned there is, perhaps, no grave objection; but I do see a very grave objection indeed to delegating the power to any one member of the County Council. The Committee of the Council charged with the administration of the Act will take care to make the Act work smoothly. I do not distrust them, but I do distrust one of the managers alone being picked out, in the first instance, and then that the matter is to be decided by one member of the County Council, who may happen to be a fanatic on the subject, who would not bring to the decision of the question that calm and balanced mind which might be required. It may be said that it will take some time to get the decision of the County Council, but I do not know that that in itself is a serious objection. The matter is not one which presses seriously for decision. Arrangements as to allotments cannot be made in the twinkling of an eye, and if a week or a fortnight, or even a month, may elapse before the appeal goes to the County Council. I do not know that it would be a very serious misfortune. I think it might probably give time to those of opposing views to come to an arrangement, or some compromise which could enable all parties to work harmoniously together. As it is, I feel sure the Bill, as it stands in its present shape, is certain to be a fertile source of annoyance and disturbance in parishes, and, therefore, I hope your Lordships will accept the Amendment which I propose. If the consent of the managers is required for the purpose of holding public meetings, the legitimate purpose of the clause will be fully preserved. The use of the schoolrooms can be obtained with the consent of the managers, and if a proviso is added at the end giving the right of an appeal to the Allotments Committee of the County Council, I do not know that there will be any objection to that; but I do earnestly hope your Lordships will maintain in the first place the right of control which is now held by the managers over the buildings for which they are responsible, and that certainly you will not adopt the clause in its present shape. Therefore, I ask your Lordships to consent to the Amendment I propose.

Amendment moved, in line 32, after ("or") to insert ("with the consent of the managers.")—(*The Earl Beauchamp.*)

THE MARQUESS OF SALISBURY: My Lords, I do not know that the dangers which my noble Friend has in view strike me as being dangers of any great magnitude; but in these matters I am all for peace, and I would suggest to my noble Friend to consider as an offer for a compromise, as he suggests the desirability of an opportunity for compromise, the adoption of the words "with the consent of any two of the managers." The difference between my noble Friend and the Government is reduced to a rather narrow point. He wants the consents of all the managers to be obtained, which might, under certain circumstances, be difficult and inconvenient, and, on the other hand, it is suggested that the consent of one manager would be enough. But as it is suggested that there may be managers of somewhat eccentric minds, I would suggest that if the consent of two managers were obtained it might be safer.

THE EARL OF KIMBERLEY: Where there are two.

THE MARQUESS OF SALISBURY: There are always more than one, I think.

THE EARL OF KIMBERLEY: I may be wrong, but I think not.

EARL BEAUCHAMP: There must be three to sign the papers.

THE MARQUESS OF SALISBURY: Well I do not think it is a matter of first-rate importance, but I think any two managers will be sufficient for my noble Friend. To require the consent of all the managers would be very inconvenient. A man may be ill, or away, or in a lunatic asylum, and it may be impossible to get at him.

THE EARL OF KIMBERLEY: I am sorry to hear that the clause is to be introduced in any form, because I think the result will be exactly the contrary of that which the noble Earl desires, namely, that it will, in fact, introduce dissension. I do not think there would have been any differences occasioned if the schools had been left to be so used; but I am afraid if the managers are to be consulted and to refuse the only result will be that very great annoyance, controversy, ill-feeling, and disturbance will take place in the parish where it is refused, and the result will be what we should all dislike and deplore.

*THE PAYMASTER GENERAL (The Earl of JERSEY): I propose to ask the House to insert words which would give the right of appeal to the County Council, or to one member chosen by the County Council for that purpose. The effect would be that supposing the one or two managers refused to give their consent to the use of a school, the people who were applying for the use of the school could then make an appeal to the Committee of the Council, or to some member of the Council who would be chosen for that purpose by the County Council. Probably if this Amendment were accepted by the House it would meet the objection of the noble Earl opposite, Lord Kimberley.

*EARL FORTESCUE: My Lords I must express my regret at the delay in passing a measure desirable in itself, though far less desirable in its present shape, in my opinion, since it has been altered, I will not say amended, in the other House, than it was as originally introduced by the Government. I should be sorry to think that the passage of this, on the whole, desirable measure should be jeopardised by our sending it back to the Commons with some small alteration or amendment, whichever it is, to arouse further discussion in the other House, and which, seeing what indications there are of a readiness to delay the progress of measures, might to a certain degree endanger its passing. If it had not been from a dread of delaying and possibly endangering the passing of this Bill I should have introduced an Amendment which I think would have been of some more importance than this about the managers of the schools, because I tried to persuade the House to restore the Bill more nearly to what it was when it was introduced into the other House by the Government. If the Amendment is not really, in your Lordships' view, an important one, I venture to hope the House will not encumber the Bill with it. I cannot say it commends itself to my judgment. This supposed Amendment, I agree with my noble Friend who spoke last, is not likely to smooth matters in the parishes where there is a difficulty about allotments; but even if the Amendment was desirable it seems to me, in the present state of public business, it would be a misfortune to send down the Bill for fresh discussion in the other House. Before the measure finally quits your Lordships' hands I should desire to make a few remarks, which nothing but my imperfect sight and hearing prevented my making on the Third Reading, before we came to clauses.

*LORD NORTON: It seems to me this is not a very small point of principle which is raised: it is the question of enacting that private property may be used by the public or anybody else without the consent of the owners. In many cases these schools belong to the managers, and are as much private property as your Lordships' own houses. The noble Earl opposite gives, as a very good reason for throwing them open to the public, that the public will be very much disappointed if that is not done; but I do not think that will serve generally as a reason for throwing private property open to the public use. That involves a very wide principle indeed. Then, I must say with regard to the proposal of the noble Marquess the Prime Minister as a compromise that two managers should be able to give consent that is no compromise at all. Two managers are not competent to act for the managers who are a body corporate, and they cannot be represented by one or two of their number. Either the managers must give their

consent or not; nobody else can give it. To say that two instead of one of the managers shall be able to act as the managers is the most inefficient compromise I ever heard of. To say that one, two, three, or any other number, of them can act as their majority is illusory. The question is, Can the private property of school managers be safely thrown open by this Bill for the use of the public without the consent of those to whom it belongs? and I think anybody who knows how Board Schools are used throughout the country for all sorts of purposes will see that there is no small principle at stake here in opening private schools alike.

EARL BEAUCHAMP: Of course, the consent of two managers would be better than one. There seems to be a misconception in the mind of the noble Marquess that the consent of all the managers would be required if my Amendment were adopted. That is not at all the case. School managers act in the way in which all managers act everywhere. I suppose there may be differences of opinion between them, as in the case of the appointment of the teachers. It is not necessary that the managers should be unanimous in opinion in England to the appointment of teachers; they act jointly, as all Public Bodies do, and, therefore, I do not see why in this particular instance you are to introduce a new mode of consulting the managers rather than leave them to their ordinary jurisdiction of acting by a majority, especially if you guard it by an appeal to the Allotments Committee of the County Council. I hope, therefore, on consideration, the noble Marquess will see the object and purpose desired will really be more conveniently carried out by the way I propose of ensuring that the consent of the managers shall be given in the ordinary way, and not by any new-fangled limitation to one, two, three, or four. The other objection of the noble Marquess will come in later when we come to consider the terms of the appeal. I hope he will agree to my words, because it seems to me you are proposing new restrictions on the managers, which puts the whole thing in a new and strange light, and will not conduce to the harmonious or efficient working of the Act.

LORD HERSCHELL: I do not understand that this introduces any new principle, inasmuch as, under Section 5, it is already provided that the schoolrooms may be used for the purposes of this Act by the County Councils.

THE EARL OF KIMBERLEY: And that is not proposed to be affected by this?

EARL BEAUCHAMP: That is my share of the compromise.

LORD HERSCHELL: I understood my noble Friend opposite in his previous remarks to suggest that this clause introduced a new and dangerous principle, namely, authorising the use of private property by other persons, and I was pointing out that that had already been done by a clause to which no objections had been taken.

On Question, "That those words be there inserted," their Lordships divided:—Contents 12; Not Contents 21.

Resolved in the negative.

THE MARQUESS OF SALISBURY: I will now move my Amendment, but I do not know that I am bound to move it exactly as I offered it, to insert after the word "or" in line 32, the words "with the consent of any two managers." May I be allowed to say that the reason why I move this is, that I was told by a very distinguished authority that in a place in the south of England there was a meeting held for the purpose, as announced, of discussing allotments; but no sooner had they got the candles lit and the doors shut than they turned it into a meeting for organising a strike of bargees. I think we ought to have some kind of responsible authority, I do not care what, to prevent action of that kind.

Moved, in line 32, Clause 5, to insert after the word ("or") the words ("with the assent of any two managers.")—(*The Marquess of Salisbury.*)

Agreed to.

*THE EARL OF JERSEY: Then, at the end of Clause 5, I move the Amendment which stands in my name, and to that I propose to add these additional words:

"The persons calling a meeting and desiring for that purpose to obtain the use of a schoolroom under this section may appeal to the Standing Committee to be appointed under this Act, or to any member of the Council

who may be authorised by that Committee to determine appeals under this section, who may forthwith decide such appeal and make such order respecting the use of the room as to them seem just."

EARL BEAUCHAMP: I would point out that, in accordance with the Amendment we have just made, the notice ought to be given to the two managers, not to one, because there are, as some of your Lordships are aware, three managers—there must be three, and the Amendment proposed by the noble Earl must be taken to read on all fours with the Amendment we have just agreed to with regard to the two managers.

THE MARQUESS OF SALISBURY: It seems to me that one manager may very well take a notice on behalf of the whole body. It cannot be necessary that the two should be there at once.

EARL BEAUCHAMP: May I again be allowed to point out that one manager may be non-resident, and very often is. The notice ought to be given to the two managers whose consent is asked; otherwise where are you?

THE LORD CHANCELLOR: I would call the noble Lord's attention to the fact that the Amendment is now agreed to.

EARL BEAUCHAMP: Quite so; and, therefore, I say that the notice ought to be given to the two managers, and not to one, who, in fact, might not even be one of the two whose consent has been asked. It is only to make the thing run in common-sense.

THE EARL OF KIMBERLEY: What can be the necessity of giving notice to two managers? One manager cannot act by himself. He would, of course, have to call in another manager to decide the question; obviously he cannot act alone under what has been put in by the noble Marquess. There must be two managers to act, and the notice being given to one, he will have to communicate with the others. I do not see the difficulty. Besides which, there may be several managers, and if you are not satisfied with one, you may go to another.

THE LORD PRIVY SEAL (Earl CADOGAN): Would the words "the aforesaid managers" do?

THE SECRETARY OF STATE FOR THE COLONIES (Lord KNUTSFORD): That is not necessary, one is quite enough.

THE EARL OF KIMBERLEY: May I make a suggestion? I think, on consideration, it will be found that the whole of this clause is unnecessary. It was necessary when the managers had no option, and when there was no provision that they should have notice of what was going to be done, but, inasmuch as no use can be made of the school by persons who wish to hold meetings about allotments, without the consent of the managers, the managers may require as much notice as they please. It will be in their own hands, because they will have full control over the whole arrangements. The part about the appeal stands separately. No doubt the observation is true as regards the County Council holding an inquiry, but in the other case no further notice is required.

THE MARQUESS OF SALISBURY: It is to prevent, for instance, the County Council coming down on a particular day with some literary representation.

THE EARL OF KIMBERLEY: What I meant is that they will have it in their own hands; but perhaps it can do no harm.

THE MARQUESS OF SALISBURY: No, it can do no harm.

THE EARL OF FEVERSHAM: I propose to move the exclusion of the words "or to any members of the Council." It is rather extraordinary that when any dispute arises with regard to the use of the schools it should go before the County Council. That does not seem a very desirable thing, but to say that it should be decided by any single member of the Council appears very unwise. I think it might not give satisfaction to those who have the managment of the schools if there was any dispute in the matter. Surely it would be sufficient to say that appeals should be decided by the whole Standing Committee. To say that any one member should decide would, I think, be very impolitic. I hope, therefore, that my noble Friend will agree that those words should be left out.

*THE EARL OF JERSEY: I am afraid I cannot agree that those words should be omitted. The fact is, that the matter would be left to the Committee of the County Council to decide if they chose, or, if not, they would appoint some one, and certainly they would not appoint anybody who would be likely to give an

unfair decision. If there was nobody in whom they had full confidence, they would decide it themselves, and I, therefore, think it is as well to leave those words in.

*THE EARL OF POWIS: It appears to me if those words are inserted the County Council would have to appoint one man, who would be a sort of standing arbitrator with regard to the use of these schools. As the noble Earl suggests, if they could not decide themselves, they would depute one of their number to do it. That at once makes him the representative merely of the majority of the Council, and brings the spirit of Party conflict into the Council upon the question of the use of these schools.

EARL BEAUCHAMP: I would point out that we have already struck out the words "or to any member of the Council."

THE LORD CHANCELLOR: Yes, those words have been struck out.

On question agreed to.

*EARL FORTESCUE: My Lords, before the Bill passes I would say a few words, which my unfortunate blindness and deafness prevented my saying to you before, when the Bill was read a third time. I do not wish to detain you many moments. I should have much wished to introduce an Amendment which would have restored the Bill more nearly to the much more desirable form in which it was presented to the other House. It had an effect of giving an appeal to the County Council from the decision of the Sanitary Authority, and, in the case of very large towns, or even of populous towns, there was an obvious unfairness and unreasonableness in giving an appeal from the Urban Authority, we will say of Manchester to the County Council of Lancashire. But the Bill, as it stands, excludes an appeal to the County Council from any municipality—that is as I read it. Now, I think a number of municipalities—I speak coming from a county which has a multitude of very small ones, are so constituted that their decisions should be unsusceptible of being appealed against, and that being so, that an appeal should be given against the decision of the Rural Sanitary Authorities is, I think, most unreasonable, and I am afraid will work very unfairly. In Devonshire there are a number of small ancient municipalities; there are four of them, the smallest with a population of only 2,200. Now, I think the Rural Sanitary Authority for a great number of parishes round the Okehampton Union is much more likely to come to a much better and much more influential decision than the petty parish of Okehampton. There are two more under 3,500, South Molton and Torrington; and Totnes is the only one of these small places which reached 4,000—according to the last Census its population was 4,089. Now, all those places are centres of Unions, and there is practically no appeal against them, as there was against the Urban Authorities upon the far better principle adopted as the Bill stood when introduced by the Government. Now, the authority representing a single small urban parish cannot be appealed against; the authority representing 12 or 20 parishes with, in some instances, ten times the population, can be appealed against. My only reason for not trying to reverse the mischievous alteration made since the introduction of the Bill into the other House—and I hold the Bill in my hand as it was originally introduced—was the fear of endangering or causing a delay in a measure which, even as it stands with all its imperfections, is, I think, a very useful and desirable one, and I only wish the Government had been able to carry it more nearly in the shape in which they introduced it.

*THE EARL OF JERSEY: In answer to the noble Earl I desire merely to say that it was the original intention of the Government that the appeal should lie to the County Council from the Municipal Authorities other than the County Boroughs; but then, representations were made in the other House upon the matter, and the Government were reluctantly obliged to give way upon the point, and, therefore, the appeal does not lie at the present time. But, at the same time, I would point out to him that the authorities in these small boroughs have very close relations with the people who would ask for allotments, and to whom they would certainly be amenable supposing they did not act properly.

Bill passed, and returned to the Commons; and to be printed, as amended.—(No. 243.)

HOUSE OF LORDS OFFICES.

Second Report from the Select Committee considered (according to order), and agreed to.

PHARMACY ACT (IRELAND) (1875) AMENDMENT BILL.—(No. 172.)

House in Committee (on Re-commitment) (according to order).

THE EARL OF ERNE: It appears to be convenient that these Amendments which stand in my name which, though in appearance formidable, are really only drafting Amendments, should be inserted. The Bill underwent considerable changes in Committee, both in form and substance, and these Amendments are necessary in order to make the measure workable. I may say they have been agreed to in connection with the Amendments which were moved by my noble Friend the Marquess of Waterford in Standing Committee.

THE EARL OF KIMBERLEY: As Chairman of the Standing Committee, I may say that I have looked through the Amendments, and that they are quite in accordance with what has been stated by the noble Lord, that is to say, to carry out what was agreed between my noble Friend the Marquess of Waterford and those who supported the Bill. I think, therefore, the House should agree to them.

*EARL CADOGAN: There are two Amendments of which I am sorry I was unable to give notice on behalf of the Government. One is in Clause 7, page 3, line 6. I wish simply to amend the form of the Amendment of my noble Friend. He has used the words "the Act to regulate the sale of poisons in Ireland." Now, there is no such Act, and I propose to put in "33 & 34 Vict. cap. 26." It is really only a drafting Amendment. There is one more. It is to amend the words of Schedule C in which the form of statement appears, "I hereby declare that I have completed the full term of apprenticeship" to a registered druggist "who has been duly registered," and so on. I move after the word "been" to insert the words "or would have been entitled to be."

Amendment agreed to.

Report of Amendment to be received on Monday next; and Bill to be printed as amended. (No. 244.)

TENANTS' COMPENSATION BILL. (No. 240.)

SECOND READING.

Order of the Day for the Second Reading, read.

A noble LORD: I have not given any explanation of this Bill, to which I did not think there was the smallest objection. It is a Bill with a very desirable object, and I think it would be as well that it should go to Standing Committee.

THE MARQUESS OF SALISBURY: I think it is a very desirable measure; but it should be compared with the Agricultural Holdings Act, and carefully brought into line with it.

THE EARL OF KIMBERLEY: Quite so. The object will, I think, be regarded as desirable.

LORD HERSCHELL: I have looked into the Bill, and I quite agree with the object of it. With regard to the suggestion of the noble Marquess, my attention was called to the necessity of that being done, and I think, therefore, it is very desirable that the Bill should be sent to a Committee.

LORD HARLECH: Then I will move that it be sent to the General Committee.

Bill read 2ª (according to order), and committed to the Standing Committee for General Bills.

CENSUS (ENGLAND AND WALES) BILL. (No. 226.)

SECOND READING.

Order of the Day for the Second Reading, read.

*THE EARL OF JERSEY: My Lords, I need only point out that this Bill is the same as that which was passed ten years ago, with the exception of three new points. A Committee was appointed to draw up the Bill, and they recommended that the following additions should be made in it: that in addition to the information hitherto obtained a column should be added to the Householders' Schedule which enables persons to be returned either as employers or employed, or as being neither employers nor employed; secondly, that persons living on their means should be enabled to state the

fact in the Return; thirdly, that the number of rooms occupied by a family, where less than five rooms, should be stated. Those recommendations are carried out in the Bill. I should also say that no provision has been made as suggested in some quarters for a Quinquennial Census, or for a permanent Census Office, not because those might not be desirable objects, but because they would cause increased expenditure.

*THE EARL OF POWIS: I would call attention to Clause 14. It is intended that this census should be on the lines of the Act of 1880. Here it says, in line 24, that the constables or peace-officers in every parish shall be compelled to act as enumerators under this Act. The words used in the Act of 1880 are—"constables or other peace-officers for such parishes," which limits the employment, as is quite proper, to the parochial constables. Now, the words used here might mean county or other constables living in a particular parish. I do not believe it was intended to mix up the County Constabulary with the census; and, therefore, I would ask the noble Earl to consider whether he would not use the same language as is adopted in the Act of 1880, and say "for" every parish, instead of "in."

*THE EARL OF JERSEY: I will inquire into the matter.

Bill read 2ª (according to order), and committed to a Committee of the whole House on Monday next.

CENSUS (SCOTLAND) BILL.—(No. 227.)

Read 2ª (according to order), and committed to a Committee of the whole House on Monday next.

MARRIAGES IN BRITISH EMBASSIES, &c, BILL.—(No. 167.)

House in Committee (on Re-commitment) (according to order).

Clause 3.

THE MARQUESS OF SALISBURY: I wish merely to move the adoption of this clause in a somewhat altered form. It is really the same in meaning, but it has, in consequence of difficulties, been somewhat altered in wording. There will be one or two Consequential Amendments in form, which I shall have to move in consequence of the insertion of the words, "High Commissioner and Resident." There are parts of the world now coming under Her Majesty's dominion, especially in the Pacific, where High Commissioners are very important persons.

EARL GRANVILLE: I have no objection whatever, but I think it may require some consideration.

THE MARQUESS OF SALISBURY: Certainly.

Clause 4.

THE MARQUESS OF SALISBURY: I move to insert after the words, "before a Governor," in two places in the clause, the words "High Commissioner or Resident," and the same words will require to be afterwards inserted in Clause 10.

The Report of Amendments to be received on Monday next; and Bill to be printed as amended.—(No. 245.)

FOREIGN PAUPER IMMIGRATION.

QUESTIONS—OBSERVATIONS.

THE EARL OF MEATH, in rising to ask Her Majesty's Government whether it is true that an edict has been issued in Russia forbidding Jews to hold or farm land; and, if so, whether Her Majesty's Government will take measures to prevent a wholesale invasion of Great Britain by Jewish Russian paupers, said: My Lords, in accordance with the notice which I gave yesterday, I hope Her Majesty's Government will be able to inform the House whether there is any truth in the somewhat sensational statements which have appeared in the public Press in reference to an Imperial edict which has been promulgated in Russia against the Jews. If true, 1,000,000 of people will be reduced to the condition of paupers and will be obliged to leave the country, and I should be glad to know whether in that case Her Majesty's Government will take such steps as will prevent a pauper invasion of this country, which would tend to the serious detriment of our working classes and lead to an increase of the rates. One can hardly believe that in Europe at the latter end of the 19th Century it is possible we should hear of wholesale religious persecutions. It is hardly possible to think that in these days we are going to hear of repetitions of the dreadful persecutions

which took place in the Middle Ages or the dragonnades of Louis XIV. It is a cardinal axiom of British jurisprudence that every man should be considered innocent until he is proved guilty, and, therefore, we are bound to believe, until otherwise informed, that the Government of Russia has not issued any such barbarous edict as that to which I refer; but I am perfectly confident that if any such edict has been issued, Her Majesty's Government will use their best efforts to prevent the working classes of this country being overwhelmed by an influx of pauper labour, for I think, however much we must sympathise with these unfortunate victims of persecution, if this should turn out to be true, it is a bounden duty to think first of those at home. I feel confident that, in the first place, Her Majesty's Government would find means to convey to the Russian Government an intimation of the feeling of indignation which must spread through the length and breadth of the country if these statements are true.

THE MARQUESS OF SALISBURY

Her Majesty's Government have no information whatever in confirmation of the statements to which the noble Lord has referred, and we have no ground for thinking that the emigrants to whom the noble Lord refers would come to this country. I will not enter into the economic question which the noble Lord has raised until we have some ground for believing that it will be so.

SHREWSBURY AND HOLYHEAD ROAD (ANGLESEY AND CARNARVON) BILL.—(No. 210.)

Read 3ª (according to order), and passed.

ELEMENTARY EDUCATION (BLIND AND DEAF) BILL.—(No. 155.)

Read 3ª (according to order); amendments made; Bill passed, and sent to the Commons.

House adjourned at half past Seven o'clock, to Monday next, a quarter before Eleven o'clock.

HOUSE OF COMMONS,

Friday, 1st August, 1890.

REMOVAL TERMS (SCOTLAND) ACT (1886) AMENDMENT BILL.—(No. 342.)

(3.10.) Lords Amendments to be considered forthwith; considered, and agreed to.

STATUTE LAW REVISION BILL [LORDS].—(No. 251.)

Lords Reason for disagreeing with certain of the Amendments made by the Commons, and the Lords Amendments to the Commons Amendments, and the Consequential Amendments to the Bill to be considered forthwith.

Lords Reason and Amendments and Consequential Amendments considered.

Motion made, and Question proposed, "That this House doth not insist on the Amendments to which the Lords have disagreed; and doth agree to the Lords Amendments to the Commons Amendments, and to the Consequential Amendments made by the Lords to the Bill."—(*Mr. Bryce.*)

MR. SEXTON (Belfast, W.): As there is no notice on the Paper in reference to this Bill, I should like to know whether the alterations which were made were considerable or not?

MR. BRYCE (Aberdeen, S.): The Amendments related simply to technical matters. The Bill repeals certain obsolete laws, and the Amendments by the Committee of this House, and to which the Lords have disagreed, are very few and not of sufficient importance to require that we should insist upon them. In all matters of any consequence, the Lords have agreed to the Amendments made here.

Question put, and agreed to.

QUESTIONS.

INDIAN RAILWAYS.

MR. BRADLAUGH (Northampton): I beg to ask the Under Secretary of State for India whether it is purposed to discontinue the construction of railways on the metre gauge; whether a proposal has been made to change existing metre-gauge lines throughout India

into broad-gauge lines; whether the Secretary of State has recently received a Despatch on the subject from the Government of India; whether he has seen the estimate of General Trevor, C.S.I., Chairman of the Southern Mahratta Railway, that this reversal of policy will probably cost about £20,000,000, as the change alone will cost £3,500 a mile; and whether he will lay Papers upon the Table relating to that subject?

THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): The answer to the first paragraph of the hon. Member's question is, No. The answer to the second paragraph is, No. To the third paragraph the answer is, Yes. The Secretary of State has received a Despatch on the question of the gauges from the Government of India. The answer to the fourth paragraph is, No, and to the last paragraph, Yes, when the correspondence is complete.

*MR. BRADLAUGH: Does the right hon. Gentleman mean that he is not aware that the reversal of policy will entail an enormous loss, amounting to many millions sterling?

SIR J. GORST: The hon. Member refers to the fourth paragraph of the question. My answer was, No. That means that the Secretary of State has not seen the estimates of General Trevor.

THE LUNACY ACT.

MR. TALBOT (Oxford University): I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to the fact that under Section 9, Sub-section (2), of "The Lunacy Act, 1890," there appears to be no provision for payment of the expenses incurred in the exercise of the jurisdiction therein conferred on the judicial authority; and, if so, upon whom the order for such payment should be made?

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): There appears to be nothing on the subject of expenses in the section referred to by my hon. Friend, except the words which give to the judicial authority the same powers as if he were acting in the exercise of his ordinary jurisdiction, and which provides for the remuneration of his officers. I have no authority to give a legal opinion, but I apprehend that any expenses not covered by those words must fall upon the person presenting the petition.

THE NAVAL MANŒUVRES.

MR. GOURLEY (Sunderland): I beg to ask the First Lord of the Admiralty whether steam colliers are to accompany any of the divisions of the Manœuvring Squadrons for the purpose of testing and ascertaining the possibility of coaling ships at sea, or is it intended that both the supposed hostile and defending forces are to be supplied with coal as though no experimental Naval War existed?

THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): Steam colliers are assigned to each of the Manœuvring Squadrons, and the arrangements have been devised so as to represent the actual conditions of war as far as peace manœuvres render it possible. No special arrangements have been made for testing the coaling of ships at sea.

TRAMWAY FARES.

MR. COX (Clare, E.): I beg to ask the Secretary of State for the Home Department whether he has any control over the fares which may be charged by Tramway Companies having a monopoly of running their cars on the Queen's highway?

MR. MATTHEWS: I have no control of any kind over the fares of stage carriages.

MR. COX: Can these companies make any charge they like?

MR. MATTHEWS: They can make any charge they are authorised to make by Act of Parliament.

MR. COX: How can it be ascertained what charges they are entitled to make?

MR. MATTHEWS: By referring to the Acts.

MR. ARTHUR O'CONNOR (Donegal, E.): I beg to ask the right hon. Gentleman whether there is in the right hon. Gentleman's Department, or in any other Department of the Executive, authority to require proprietors of tramcars and omnibuses to exhibit outside the vehicles in legible figures and letters every fare chargeable?

MR. MATTHEWS: No such authority exists in 6 & 7 Vict., c. 86, which is the controlling Act.

THE ANGLO-GERMAN AGREEMENT.

MR. BUCHANAN (Edinburgh, W.): I beg to ask the Under Secretary of

State for Foreign Affairs what are the portions of the German sphere of influence in Africa, referred to in Article VIII. of the Anglo-German Agreement, within which the German Government engages under that Article to apply the Free Trade provisions of the Berlin Act of 1885?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): The whole of the German sphere in East Africa, with the exception of the strip of territory on the coast, 10 miles deep, now belonging to Zanzibar.

MR. BUCHANAN: I beg to ask the Under Secretary of State for Foreign Affairs when Great Britain is to assume the Protectorate over Zanzibar under the Anglo-German Agreement; and whether he will promise that when that Protectorate is assumed, slavery shall cease to be legal within the limits of the British Protectorate?

*SIR J. FERGUSSON: No date is fixed for the assumption of the Protectorate. As regards the second paragraph, it would be unjust and impolitic to demand the confiscation of domestic slaves in a Mohammedan country as soon as it is placed under British protection; but it will be our duty to guard by all means in our power against abuses, and provide for the effectual working of the Act of Brussels, which will ensure its gradual extinction.

MR. SYDNEY BUXTON (Tower Hamlets, Poplar): I beg to ask the Under Secretary of State for Foreign Affairs what steps the Government propose to take, in assuming the Protectorate of Zanzibar, to bring gradually to an end the system of domestic slavery prevailing in the country?

*SIR J. FERGUSSON: The matter is occupying the attentive consideration of the Sultan and the Consul General.

MR. MUNRO FERGUSON (Leith, &c.): I beg to ask the Under Secretary of State for Foreign Affairs whether his attention has been drawn to the fact that under Article VIII. of the Anglo-German Agreement, the two Powers engaged to apply the Berlin Act in all the portions of their respective spheres where the first five Articles are applicable "at the date of the present Agreement"; whether it was intended by these words to contract the two Governments, being signatories of the Berlin Act, out of that Act as regards territories which might come into possession or under the influence of either Power after the date of the signing of the Anglo-German Agreement; and whether under this arrangement the German Government can allow German goods to enter the mainland portion of the Zanzibar Sultanate duty free should the coast line be ceded by the Sultan, while maintaining duties which will then be differential against British trade?

*SIR J. FERGUSSON: That was certainly not the intention. Great Britain and Germany have neither the wish nor the power to contract themselves out of any of the obligations of the Berlin Act. No such arrangement as that referred to in the last paragraph is practicable, as has been fully explained in other answers.

MR. BRYCE: I beg to ask the Under Secretary of State for Foreign Affairs whether, by Article VIII. of the Anglo-German Agreement regarding freedom of trade in East Africa, permission is given to the German Government, if and when it obtains that part of the present Zanzibar Sultanate which is situate on the mainland, to establish a protective tariff there; and whether this permission will in fact have the effect of evading and cancelling the provisions of the Berlin Act of 1885, under which Great Britain and Germany bound themselves, not only to apply the Free Trade system themselves, but to use their best endeavours to have it applied in the dominions of Native Sovereigns also?

*SIR J. FERGUSSON: No such permission is given by the Article. Either the Treaty with Zanzibar must be maintained, or the coast must be brought under the Free Trade provision of the Act of Berlin. In either case British trade is fully protected against excessive or differential treatment. The 4th Article of the Zanzibar Treaty, which provides for perfect freedom of commerce and navigation between the contracting parties, contains this provision:—

"The Sultan of Zanzibar binds himself not to allow or recognise the establishment of any kind of monopoly or exclusive privilege of trade within his dominions to any Government, Association, or individual."

MR. BRYCE: Is it not the case that under Article VIII. of the Agreement

it will be in the power of Germany, when she acquires a narrow strip of territory on the mainland, to establish a protective tariff?

*SIR J. FERGUSSON: Only within the limit settled by the Zanzibar Treaty or the Act of Brussels—that is, 5 per cent. in the one case, and 10 per cent. in the other.

MR. BRYCE: Will not that permission have the effect of cancelling the provisions of the Berlin Act of 1885?

*SIR J. FERGUSSON: The hon. Member will, I think, perceive that that is superseded by the Act of Brussels.

MR. SUMMERS (Huddersfield): Have Turkey and Holland yet given in their adhesion to the Brussels Act?

*SIR J. FERGUSSON: Turkey has adhered. Holland has not yet given her adhesion.

In answer to a question from Mr. O'KELLY (Roscommon) as to the adhesion of the United States,

*SIR J. FERGUSSON said: If I remember rightly, the United States took an exceptional position at the Conference.

MR. MUNRO FERGUSON: May I ask whether, in the event of the mainland portion of the Sultanate of Zanzibar being ceded to Germany, the statement that "trade is protected from any differential treatment there" signifies that no heavier Customs Duties will be levied upon British than upon German goods?

*SIR J. FERGUSSON: That is certainly the interpretation.

HONORARY COLONELCIES.

CAPTAIN VERNEY (Bucks, N.): I beg to ask the Secretary of State for War whether, in view of the fact that Honorary Colonels of regiments are not in any degree responsible for the discipline and efficiency of the regiments they are by a fiction supposed to command, and whence they draw their full pay, he will take into consideration the desirability of discontinuing this illusory title, and of granting these pensions, if at all, under some designation which shall not disguise their real significance?

*THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): The hon. Member ought to be well aware that these honorary appointments are immensely prized by general officers; and the connection of these officers with the regiments in which they have in most cases served not infrequently in the field, is very highly appreciated by the regiments themselves. The hon. Member is also doubtless aware that the paid Honorary Colonels are an expiring class.

FREE TRADE IN AFRICA.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I beg to ask the Under Secretary of State for Foreign Affairs whether the resolutions of the Brussels Conference, modifying the provisions of the Berlin Act regarding Free Trade in Africa, have come into force or will come into force at once, in the absence of an agreement of all the Powers parties to the Berlin Act?

*SIR J. FERGUSSON: The Act provides that it shall come into force after all the ratifications shall have been deposited at Brussels. This must take place within a year at the latest. It is, consequently, not at present in force.

THE EX-SULTAN OF PERAK.

MR. F. S. STEVENSON (Suffolk, Eye): I beg to ask the Under Secretary of State for the Colonies whether any communication has been received from the ex-Sultan Abdullah of Perak, now detained in the Seychelles Islands, requesting that he may be allowed to visit England; and what objection the Colonial Office have to that course being adopted?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): Such a communication has been received, but the Secretary of State considers that no advantage would be gained by a visit of the ex-Sultan to England; and that if he were permitted to do so, false hopes might be given to him as to any re-opening of his case.

SAVINGS BANKS—TRADES UNIONS DEPOSITS.

MR. HOWELL (Bethnal Green, N.E.): I beg to ask the Chancellor of the Exchequer whether he is aware that in some 15 or 16 cases within a recent period Trade Unions, most of whom are registered under the Trade Union Acts, and all of whom have sick benefit, funeral

allowance, and superannuation benefit, several of whom have accident benefit and out-of-work benefit, and some of whom have enjoyed, for from 20 to 26 years, the privilege of banking their moneys in the Post Office Savings Banks or in the Trustee Savings Banks, have been revoked, cancelled, withdrawn, or refused; whether it is part of the settled policy of Her Majesty's Government to revoke or cancel a privilege existing without challenge for over a quarter of a century, and confirmed within the tenure of office of the present Government; and whether he will explain to the House the reason or reasons for this new departure from a practice which has conferred and is conferring so many benefits upon the members of Trade Unions throughout the country?

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): The question of the hon. Member raises a very important issue. Let me, in the first instance, state the law with reference to deposits by Friendly Societies. The unusual privilege of depositing funds without limit of amount has been conceded by Act of Parliament to Friendly Societies registered under the Friendly Societies Act, but not to Trade Unions. The Postmaster General only has the power under the Savings Bank Act to accept funds from Provident or Charitable Societies not "legally established Friendly Societies" within the limits of £100 in one year, and £300 in all. Above these limits the consent of the National Debt Commissioners is required. Now, the question arises whether, by the insertion of rules which have sick or superannuation benefits, Trade Unions should be allowed to secure the privilege of depositing funds to an unlimited extent in the Government Savings Banks. Such an inclusion is, in my judgment, both contrary to law and to public policy; to law, because it is only to purely Provident or Charitable Societies that the privilege is extended; to public policy, because there is an illegitimate risk to the Public Exchequer in accepting as deposits an unlimited amount of strike money. The sudden withdrawal of such deposits might expose the State to the loss involved in selling stock at a time when the funds might be peculiarly depressed. While the number of applications were few, the Post Office closed its eyes, and to a certain extent so did the National Debt Commissioners. The Post Office was ready to accept deposits from any Society not flagrantly outside the legal definition. But as these applications multiplied, the matter came before me for decision, and I recognised the inexpediency of acting contrary to the letter and the spirit of the law. Hence, some applications have been refused. I believe the privilege has not been withdrawn from any branch of any Trade Union Society which has made deposits; but the acceptance of new deposits has been refused, and I am glad that the matter should receive attention. I have before now communicated with the hon. Member for West Nottingham on the subject, and I will communicate with the hon. Member who has put the question to-day if he wishes it. I am quite ready to accept some compromise by which a reasonable limit should be imposed, either of amount or by extending the period for notice of withdrawal, or by both. But I am not prepared to receive unlimited funds from the Trade Unions which might put the Exchequer in times of strike or commercial distress to any great disadvantage.

MR. HOWELL: Is the right hon. Gentleman aware that the special branches to which I have called attention were registered as Friendly Societies in 1883, and is he aware that the Amalgamated Society of Painters and Decorators have more than 100 branches, and that they pay sick, funeral, accident, out of work, and other benefits? Does he not think that that fact brings it within the provisions of the Friendly Societies Act? May I ask whether the Operative Bricklayers' Society is not also included in the list of these Friendly Societies; whether it has not, for more than 25 years, deposited money in the Post Office Savings Bank; and whether it has not branches all over the country? [*Cries of* "Order!"]

*MR. SPEAKER: I am afraid that the hon. Member is exceeding the limits of a supplementary question. He had better put the question down on the Paper.

MR. HOWELL: I bow to your ruling, Sir; but it is a most important question, and I trust that the right hon. Gentleman will give it his most careful consideration.

MR. W. E. GLADSTONE (Edinburgh, Mid Lothian): I quite appreciate the great difficulty in which the Chancellor of the Exchequer would be placed in being required, without notice, to answer in detail a number of questions of this kind, the particulars of which it is almost impossible he can be acquainted with at the moment. I entirely sympathise with the anxiety of my hon. Friend, but, at the same time, I think the spirit of the answer of the Chancellor of the Exchequer ought to encourage us to believe that he will not grudge any amount of trouble which the careful consideration of the question will involve. I should like to ask the right hon. Gentleman to say, either now or at some future time, whether he has ascertained thatthe actual or probable amounts of the deposits from Trades Unions are such as to afford a ground for the serious and solid opinion that the withdrawal of those deposits at the time of a strike would cause public inconvenience? Looking at the vast importance—and, happily, the vast importance—of the Post Office Savings Banks I am afraid that I am extremely sceptical as to whether such inconvenience would actually arise.

MR. GOSCHEN: I do not say that any public inconvenience has arisen, although, no doubt, there has been a wide extension of the deposits in the Post Office Savings Banks and the Trustees Savings Banks, and there has, occasionally, been a loss to the Exchequer. But the question is whether, if the Trades Unions funds were included, more serious inconveniences might not arise. My attention has been drawn to the rapidity with which the extension of the deposits has been made, but I think I have offered to meet the difficulty fairly by undertaking to make arrangements with the representatives of Trades Unions in regard to the meeting of all ordinary claims. If such an arrangement were made, we might be able to accept these funds, but only to such a limited extent as I have suggested.

MR. HOWELL: I beg to give notice that upon the Vote for the National Debt Office I will call attention to the subject.

*MR. BRADLAUGH: Is not the right hon. Gentleman aware that the Reports of the Friendly Societies Registrar show that the money utilised for purposes which seem to meet with his disapproval are in some cases kept separately? I refer to the distinguishment of Strike Fund from Benefit Fund.

MR. GOSCHEN: I will inquire into that point. The only supplement I wish to make to the answer I have already given is, that there are £110,000,000 lying at call, and, although no insurmountable inconvenience might be occasioned by the Friendly Societies withdrawing the whole of their money in a time of pressure, there would, undoubtedly, be a certain amount of inconvenience; and that is why I suggest a limitation of the amount.

MR. HOWELL: I beg to ask the Chancellor of the Exchequer whether he is aware that the Post Office Savings Bank Department has refused to accept the transfer of moneys, deposited by the Trustees of the Camberwell Branch of the Amalgamated Society of Painters and Decorators with the Trustees of the Camberwell Savings Bank to the Post Office Savings Bank; and, if so, on what grounds the refusal is based; whether he is aware that the moneys aforesaid, amounting to £118 1s. 3d., were deposited in the Camberwell Savings Bank under the Friendly Societies' Clause, as a Friendly Society, and was entered as G 583 in the said Bank; whether the Amalgamated Society of Painters and Decorators is a Friendly Society within the meaning of the Act, and has been allowed, as such, to deposit its funds in Trustee or Post Office Savings Banks for many years, and has now deposited funds in the Post Office Savings Banks of the country; whether he is aware that this branch of the Amalgamated Society of Painters and Decorators is unable, by reason of the closing of the Camberwell Savings Bank and the refusal of the Post Office to accept the transfer of its funds, to make payments to its members for sickness, funeral, accident, out of work, and other benefits; and whether he will cause such transfer to be accepted without delay, in accordance with the existing law and practice in similar cases? The principal part of this question has already been announced, but I wish to have some further information in regard to the acceptance of the transfer of funds.

MR. GOSCHEN: This is not a Society, as the question implies, registered under

the Friendly Societies Act, but it is registered under the Trades Unions Act. With regard to the 4th paragraph of the question I will confer with the hon. Member and see whether an arrangement cannot be made to transfer this sum of £118. The hon. Member will see, however, that the Post Office Savings Banks Department is not the only Department that must be taken into consideration.

CHATHAM CONVICT PRISON.

MR. J. O'CONNOR (Tipperary, S.): I beg to ask the Secretary of State for the Home Department, with regard to the recommendation of the visitors of Her Majesty's Convict Prison at Chatham, contained in paragraph 149 of their Report, that Durbin, the compounder of medicines, should have his case re-considered when opportunity arises, whether Durbin had been degraded and removed to another prison on the Report of the Medical Officials of Chatham Prison; and, if he has been re-instated in his former position, is he now serving in Chatham Prison, and does he compound medicines for the treason-felony prisoners confined there; has the recommendation of the visitors, contained in paragraph 13 of the Report, in respect of the Scotch prisoners, been carried out, and have they been advised that they might have letters in lieu of visits when their friends could not visit them, by reason of the long distance they would be obliged to travel; and would he apply the suggestion of the visitors to other prisoners whose friends live in Ireland or America?

MR. MATTHEWS: Yes, Sir. Compounder Durbin was reduced in rank and removed to Portsmouth Prison, but subsequent investigations having satisfied the Prison Directors that he was free from blame he has been re-instated, and will be employed as compounder at Dartmoor Prison, his place at Chatham being taken by the officer now employed at Dartmoor. The recommendation in paragraph 13 has been always the practice of the prison, and a special letter, in lieu of a visit, where relatives are distant, is always granted as a matter of course on application. The rule applies to prisoners whose relatives live in Ireland or America, as well as in Scotland.

MR. J. O'CONNOR: Did not a further analysis prove that the original analysis was correct, and did it justify Durbin's re-instatement?

MR. MATTHEWS: The medicine was compounded from a store bottle and supplied to Daly, and there was no suspicion at the time that the contents had been improperly prepared.

GROWTH OF SUGAR BEET.

MR. FARQUHARSON (Dorset, W.): I beg to ask the President of the Board of Agriculture whether his attention has been drawn to the suitability of large tracts of land in Great Britain and Ireland to the growth of sugar beet; whether he is aware that the necessary capital for promoting the establishment of such an industry would be immediately forthcoming upon the ratification of the Sugar Convention, and the consequent abolition of bounties; and whether, in view of the existing agricultural depression, and the fact that few crops would give so large a profit per acre and open up such extensive employment to the agricultural population as sugar beet, Her Majesty's Government would give the matter their serious consideration?

THE PRESIDENT OF THE BOARD OF AGRICULTURE (Mr. CHAPLIN, Lincolnshire, Sleaford): I believe there is no doubt that there are large tracts of land suitable to the growth of sugar beet in England and Ireland. Experiments have been made from time to time in both countries, and there is ground for believing that where the climate is suitable, especially in the southern parts of England and Ireland, it can be grown with success, provided the price is sufficiently remunerative. I apprehend that capital in this country would be always forthcoming to promote the establishment of any industry which offered reliable security for a remunerative interest. I have no special information as to capital being forthcoming in this case, and whether such security would be offered by the ratification of the Sugar Convention I am really unable to say. That is a question, I think, which can only be settled by experience. It is, however, a subject of great interest. I am endeavouring to make myself more fully informed than I am at present as to the conditions required for

the successful cultivation of sugar beet in the United Kingdom; and my hon. Friend may be assured that anything which promises a successful opening for British agriculture will at all times command my serious attention.

THE CESSION OF THE GAMBIA.

SIR GEORGE BADEN-POWELL (Liverpool, Kirkdale): I beg to ask the Under Secretary of State for Foreign Affairs whether his attention has been called to the fact that when it was under consideration to cede the Gambia to France in 1870, the Secretary of State for Foreign Affairs made specific reservation that no cession of that territory could be made without the consent of Parliament, and subsequently alluded to the introduction of a Bill necessary for that purpose; and whether these circumstances were considered by Her Majesty's Government when they introduced the Bill for the cession of Heligoland?

*SIR J. FERGUSSON: Yes, Sir; the answer to both questions is in the affirmative.

BRITISH GUIANA—THE LATE MR. DE SOUZA.

MR. CONYBEARE (Cornwall, Camborne): I beg to ask the Under Secretary of State for the Colonies, with reference to a Despatch from Lord Knutsford to Viscount Gormanston, then Governor of British Guiana, dated 4th September, 1889, which contained the following statements—

"I have the honour to acknowledge the receipt of your Despatch, No. 282, of the 29th July, enclosing a letter from Sir D. Chalmers on the subject of the Appeal of the late Mr. De Souza to the Queen in Council. I consider that the payment of the fine of 500 dols. imposed on Mr. De Souza ought not to be enforced against his estate, and that notice of the decision not to enforce it should be given to his executors,"

whether the Sir D. Chalmers therein referred to is the Chief Justice of the Colony who sentenced Mr. De Souza to fine and imprisonment, and against whose sentence the appeal above referred to was pending; whether the letter alleged to have been written by the said Sir D. Chalmers on the subject of the appeal in question was written while the appeal was still before the Privy Council, and while, therefore, the conduct of the said Sir D. Chalmers was under judicial investigation; what was the purport of such letter, and whether the Government will lay it upon the Table of the House; whether any representation was made on the part of Mr. De Souza's executors to have the fine remitted; on what ground did the Government interfere with the action of the Privy Council on the subject of such appeal; and whether, in view of the Constitutional importance of the questions involved in the case as bearing on the liberty of the subject and the freedom of the press, and the fact that the Judges still claim to exercise a power the legality of which is denied, he will cause a full inquiry to be made into the conduct of the Judges and the facts of the case?

*BARON H. DE WORMS: Sir D. Chalmers, the writer of the letter quoted, is the Chief Justice who sentenced Mr. De Souza. His letter was written after Mr. De Souza's death, and at a time when it was open to his executors to apply for leave to proceed with his appeal. The letter conveyed a request that if an order for revival of the appeal were granted, appearance might be entered for the Attorney General, as representing the interest of the Crown in the appeal, as well as for the Judges, and gave reasons for this recommendation. No application was made, so far as the Secretary of State is aware, by Mr. De Souza's executors to have the fine remitted. The Government have not interfered with the action of the Privy Council on the subject of the appeal. The Secretary of State is not prepared to make the inquiry suggested by the hon. Member.

THE CENTRAL TELEGRAPH OFFICE.

MR. M'CARTAN (Down, S.): I beg to ask the Postmaster General whether among the 192 clerks employed at the Central Telegraph Office who are suspended from all benefits under the new scheme because they were off duty at 4 p.m. on the day when an officer temporarily employed at that office was hooted at, are clerks of 20 years' service and upwards; whether these clerks have severally proved that they had nothing to do with the matter referred to; and whether, when the inquiry now proceeding is finished, he will compensate these clerks for the withholding from them of moneys earned under the new scheme, and which is now received by all their colleagues?

THE POSTMASTER GENERAL (Mr. RAIKES, Cambridge University): I have not yet received the Report of the result of the investigation which is being made, and I am not, therefore, in a position to announce what my decision will be when that investigation is concluded. I need not say that I shall be glad if the officers to whom the hon. Member refers are able to prove that they were not implicated in the occurrence. I have certainly no wish to withhold any of the benefits of the new scheme from any officer who was not concerned in the outrage to which the hon. Member refers.

MALTA.

MR. SUMMERS (Huddersfield): I beg to ask the Under Secretary of State for the Colonies whether the Ecclesiastical Courts in Malta have been suppressed; and, if so, at what date and under what circumstances?

BARON H. DE WORMS: I do not know what Courts the hon. Members refers to without further inquiry in the island. That inquiry shall be made if the hon. Member desires it, but I really must ask him to give longer notice of questions of this nature.

MR. SUMMERS: I beg to ask the Attorney General whether he is aware of any case of a mixed marriage celebrated in Malta under licences from the Governor or from the Bishop of Gibraltar being declared invalid by the Maltese or English Courts on the ground that it was not celebrated according to the form prescribed by the decrees of the Council of Trent?

THE ATTORNEY GENERAL (Sir R. WEBSTER, Isle of Wight): I am not aware of any such case; but as far back as 1865, and since, the practice in case of mixed marriages was to have the marriage solemnised either by the Roman Catholic priest alone or by both the Roman Catholic priest and the Protestant minister, but the celebration of such marriages before the Roman Catholic priest has always been deemed indispensable to give validity to such marriages.

THE WATERWAY OF THE THAMES.

MR. WEBB (Waterford, W.): I beg to ask the President of the Board of Trade whether there is any law to restrain the occupation of the waterway of the Thames by advertisement boats, such as the one which is now moored opposite the terrace of this House?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): The Thames Conservators are the Authority having charge of the river. I am not aware of any law on the subject referred to in the hon. Member's question, but I will communicate with the Conservators on the matter.

WIDTH OF POST LETTERS.

MR. T. H. BOLTON (St. Pancras, N.): I beg to ask the Postmaster General whether, for the accommodation of the legal profession and the public generally, he will consider the desirability of extending the limit of width of post letters from 9 to 12 inches?

MR. RAIKES: I shall have no objection to consider whether the limit of width of post letters can properly be extended as suggested by the hon. Member, but I may say, generally, that bulky packets are not only inconvenient to deal with, but are much more liable to become damaged themselves, and to cause damage to other packets of moderate size, especially in mails, which are delivered from the trains by the Mail Bag Apparatus.

CONSTITUTION HILL.

MR. T. W. LEGH (Lancashire, S.W., Newton): I beg to ask the First Commissioner of Works if he will consider the advisability of placing a quadriga or classical group upon the arch at Constitution Hill?

DR. TANNER: Before the right hon. Gentleman answers the question will he say whether he is prepared to put the obstruction now at Temple Bar upon Constitution Hill?

THE FIRST COMMISSIONER OF WORKS (Mr. PLUNKET, Dublin University): I think it is very desirable that the arch at Constitution Hill should be surmounted by a quadriga, but any artistic group worthy of such a position would cost a great deal of money, and I am not prepared at present to make such a demand upon the Treasury.

BECHUANALAND.

MR. BAUMANN (Camberwell, Peckham): I beg to ask the Under Secretary

of State for the Colonies whether it is the fact that, by an Order in Council, the Governor of Bechuanaland has been empowered to proclaim the Queen's jurisdiction over the territory lying to the north of Bechuanaland, west of the Transvaal and Matabeleland, east of the German Protectorate, and south of the Zambesi; whether this means the annexation of the Bechuana Protectorate; whether this territory is in future to be administered as a Crown Colony; and whether, in this event, the Crown will respect the rights of those who have obtained concessions from the Chiefs?

BARON H. DE WORMS: The answer to my hon. Friend's question is in the negative. If he will refer to the Foreign Jurisdiction Acts he will see that he has misapprehended the effect of the Order in Council. The Queen has certain powers and jurisdiction within the territories named, and the Order empowers the Governor of British Bechuanaland to give effect to those powers and jurisdiction by means of legislative proclamations. The primary object of this proceeding is to provide proper means of enforcing discipline in the Police Force.

NAVAL EXPERIMENTS.

SIR JOHN COLOMB (Tower Hamlets, Bow): I beg to ask the First Lord of the Admiralty what steps have been taken to give practical effect to the information gained by the experiments carried on against H.M.S. *Resistance;* and has information been obtained by Her Majesty's Government relative to the experiments carried on at Toulon on the same lines as the *Resistance* experiments?

LORD G. HAMILTON: The Admiralty have given full consideration to the valuable results of the experiments made upon the *Resistance*, and have taken such steps as appear desirable, more especially as regards the defence of gun crews and the improvement of ammunition. It is not, however, desirable in the public interests that I should give particulars.

SLAVERY.

MR. BUCHANAN: I beg to ask the Attorney General whether slavery is recognised as a legal status in any British Protectorate?

SIR R. WEBSTER: Assuming slavery to be lawful according to the law of the country over which the Protectorate is assumed, it would be recognised as a legal status. But British subjects would, of course, be prohibited from dealing or trading in, purchasing, selling, or transferring slaves.

IRELAND—CASE OF MR. OWEN QUIN.

MR. BLANE (Armagh, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the case of Mr. Owen Quin, of Dorsey, County Armagh, who applied for compensation to the Castleblaney Board of Guardians, under the Animals Contagious Diseases Act, for the loss of a cow which had been shot by the police as infected with a contagious disease, and whose application was refused; and if the Authorities will consider the matter?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I am informed that the Veterinary Inspector for the Board of Guardians pronounced the cow to be affected with rabies and ordered it to be slaughtered, and that the slaughter was carried out by the owner in the presence of the constabulary. There is no legal power to award compensation for the loss of animals affected with rabies.

USE OF GOVERNMENT BOATS AT EVICTIONS.

MR. DILLON (Mayo, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Irish Executive is bound to furnish Government boats, free of charge, to the Sheriff when going to carry out evictions on islands of the Irish Coast?

MR. A. J. BALFOUR: No, Sir. The object of providing Government boats in connection with the duty in question is the conveyance of the police party requisitioned by the Sheriff for his protection, and the conveyance of the Sheriff and his bailiffs in such boats is only permitted in cases where that course is absolutely necessary for the carrying out of the law. When such a course arises the Sheriff has to pay for the subsistence of himself and his bailiffs.

MR. SEXTON (Belfast, W.): Is the right hon. Gentleman aware that persons conveyed in Her Majesty's gunboats to the islands on the West Coast of Ireland have seized the boats belonging to the fishermen, which form their only means of obtaining a living? I wish to know whether that is not an illegal act, and what means will be taken to enable these poor people to pursue their ordinary avocations?

MR. A. J. BALFOUR: I am not acquainted with any such circumstance.

MR. DILLON: The right hon. Gentleman says that boats have only been supplied for the purpose of carrying a necessary police escort for the protection of persons engaged in executing the law. Is it not the fact that in some cases they have carried also emergency men, and agents of the landlords? I wish to know if this is legal, and whether such persons ought not to be required to furnish their own means of transit?

MR. A. J. BALFOUR: I believe that when Sheriffs' officers and bailiffs have been taken they have paid their own expenses.

MR. SEXTON: I think it is important that the seizure of the fishermen's boats, if illegal, should not be repeated, and I should like to know from the Attorney General for Ireland if it is not provided by enactment that wearing apparel, bedding, tools, and implements of trade, if they do not exceed £5 in value, shall not be liable to seizure? These boats were the implements of the trade of the fishermen, and was it legal to seize them?

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): I am not acquainted with the section of the Act referred to, but if the hon. Member will put a question on the Paper I will obtain the information.

MR. SEXTON: I will repeat the question on Monday.

THE LURGAN POST OFFICE.

MR. BLANE: I beg to ask the Postmaster General whether complaints have reached him that a postal order drawn in Edinburgh, No. 21,191, payable to Mary Ann M'Ilmurray, was intercepted in the Lurgan Post Office, County Armagh, and cashed with the signature of "Mary Ann M'Imurray"; and if the Lurgan postmaster made payment notwithstanding the different spelling in signature, will the Postal Authorities refund the amount to Mrs. M'Ilmurray?

MR. RAIKES: A complaint reached the General Post Office some time ago that a postal order, which I have no doubt is that referred to by the hon. Member, had been lost in the post, and, although there was no blame whatever on the part of the postmaster at Lurgan in respect of the payment of the order, there were circumstances which seemed to justify the repayment of the amount to Mrs. M'Ilmurray as an act of grace, and it was so repaid some weeks ago.

ASSAULTING AN IRISH POLICE CONSTABLE.

MR. FLYNN (Cork, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been called to the prosecution of Mr. James Maye before Messrs. Longbourne and Hodder, Resident Magistrates, in Fermoy, on a charge of "having assaulted Constable Denis Lane in the execution of his duty, on 17th September, 1889;" and why was this prosecution brought after such a long time had elapsed?

MR. A. J. BALFOUR: I am informed that the proceedings were instituted on the 18th September, 1889, the day after the assault on the constable. The defendant was at the time under sentence of imprisonment on another charge. Upon his release from prison in April last the proceedings were gone on with, but in consequence of the illness of the constable, and subsequently of the defendant, the case was not finally disposed of until 28th July.

BALLYGORIANMORE SCHOOL.

MR. M'CARTAN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that three applications have been made to the Board of National Education in Ireland for a grant in favour of the school at Ballygorianmore, near Hilltown, County Down; and if he will state the grounds for refusing same; whether his attention has been called to a resolution unanimously adopted by the committee under the presidency of Rev. H. H. Moore, M.A., the Presbyterian minister, on the 22nd July, in which it

is stated that the school fulfils all the conditions required by the rules of the Board for making such a grant; and whether he will inquire into the matter, with the view of redressing the grievance of which the Presbyterians of the district complain?

MR. A. J. BALFOUR: The Commissioners of National Education report that this school had been in connection with the Board until the 31st December, 1886, from which date the grants were cancelled, the average attendance having fallen below the minimum required to warrant their continuance. Two applications appear to have been subsequently made for restoration of the grant, but, there being no evidence that the required attendance would be secured, and as it was strongly felt that there was no need for the school, there being within one mile of the place a school under a Presbyterian manager (the Rev. Dr. Wilson), with a Presbyterian teacher, and as the Commissioners' Inspector declined to recommend the aid, the Commissioners do not feel warranted in making a grant.

"SHADOWING."

MR. FLYNN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he has seen the reports in the local papers that at Killeagh Fair, on 28th July, several Nationalist dealers were shadowed by police constables throughout the day, and also that Mr. Edward O'Brien, P.L.G., James O'Brien, and Charles O'Brien, were

"all day persistently followed by policemen, who pryed into their affairs, and rendered it difficult for those men to transact their business;"

and, if so, will instructions be issued by the Constabulary Authorities to policemen not to carry the practice of shadowing to the extent of interfering with the transactions of men engaged in business at fairs and markets in Ireland?

MR. A. J. BALFOUR: I am informed by the Constabulary Authorities that on the occasion referred to three persons were watched by the police, but that not one of these persons was a dealer. They were James O'Brien, Charles O'Brien, and a man named Lynch, all of whom are known to the police to be employed in attempting to boycott the sale of cattle. Mr. Edward O'Brien, who, as a matter of fact, does not appear to have arrived until the fair was over, was not shadowed. The police did not in any way interfere so as to render difficult the transaction of any legitimate business.

MR. FLYNN: In a recent case did not the right hon. Gentleman promise that the constabulary should not shadow men who had business at a fair. In this case the men shadowed had business which was seriously interfered with. Will the right hon. Gentleman issue stringent orders to that effect?

MR. A. J. BALFOUR: The police will not interfere with any men who are legitimately carrying on lawful business.

MR. FLYNN: Unfortunately they do.

IRISH FISHERIES.

MR. M'CARTAN: I beg to ask the Secretary to the Treasury whether his attention has been called to the last Report of the Inspectors of Irish Fisheries, where it is shown, at page 11, that, of the 62,952 mease of herrings captured along the Irish Coast during the year 1889, there were landed at Ardglass, Annalong, and Kilkeel, on the County Down Coast, 29,732, or nearly one-half of the total number captured; whether he is aware that Newcastle is situated between Kilkeel and Ardglass, and, though well adapted for a good fishing station, it has now no harbour accommodation; whether he has seen the Report of the Divisional Officer of Coastguards (page 41), in which he states—

"At Newcastle there are the ruined remains of a harbour, at present almost useless, which might at a moderate expenditure be made useful for fishermen and others;"

And whether, considering the Report of this officer, and that Newcastle is situated at the very centre of the Irish herring fishery district, he will consider the desirability of providing harbour accommodation, to enable the fishermen of the district to follow and develop the fishing industry there with some degree of safety to their lives?

*THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): I have seen the report referred to, but I think, as far as I can judge, it indicates that the line which it is proposed should be made

to Ardglass will, perhaps, tap the traffic better than to any other point; but I am afraid I cannot hold out any hope as to the expenditure of money for the proposed Newcastle line.

MR. M'CARTAN: The reply of the right hon. Gentleman does not touch the real point at all.

*MR. JACKSON: The hon. Member is aware that I visited Newcastle, and went into the whole question whether I ought to recommend any expenditure of the public money in connection with the harbour. I came to the conclusion that I could not, and I am afraid that I cannot depart from that decision.

MR. M'CARTAN: Were there any local Representatives to meet the right hon. Gentleman?

MR. JACKSON: I think I can depend upon my own power of seeing what was necessary in the case.

MR. JAMES WALSH.

DR. TANNER (Cork Co., Mid): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether it is true that Mr. James Walsh was arrested, in Queenstown, on the 20th June last, confined in the police cells for the greater part of the day, and then sent as a prisoner to Cork; whether it is true the prison officials refused to receive him from the police, who then set him at liberty; who is responsible for the arrest; and whether an inquiry will be made into the circumstances of the case?

MR. A. J. BALFOUR: The Constabulary Authorities report that the man was not confined in the police cells at all, and was only detained in the barracks about 10 minutes. He was then sent to Cork, and the prison officials refusing to receive him he was discharged. The ground of the refusal appears to have been that the warrant outstanding against him in respect of a fine did not contain an alternative term of imprisonment. The arrest was made by Sergeant Shea in the belief that the warrant, as is usual in such cases, contained that alternative. The man absconded when the warrant was originally issued in December last.

DR. TANNER: How long was Mr. Walsh under arrest?

MR. A. J. BALFOUR: I cannot answer that question, but he was apparently detained only for a few minutes.

DR. TANNER: Was he not arrested in the morning and not taken before a Magistrate until the afternoon?

MR. A. J. BALFOUR: I gather from the information I have received that that is not correct. He was only detained for 10 minutes.

KILMALLOCK ROMAN CATHOLIC CHURCH.

MR. FINUCANE (Limerick, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that the County Limerick Grand Jury, at the last Assizes, rejected a presentment for laying down with ferrumite a footway to the Roman Catholic Church of Kilmallock, against the unanimous wish of the ratepayers of the barony, as expressed at two Road Sessions; and whether, in view of the fact that the Grand Jury consists of 23 men, mostly landlords, nominated by the High Sheriff, who do not pay more than 5 per cent. of the county cess, the Government will consider the advisability of introducing a Bill to take away from the Grand Jury the power of stopping the construction of useful and necessary works?

MR. A. J. BALFOUR: I have no official information on the subject of this question, which does not come under the cognizance of the Irish Government, but the Secretary to the Grand Jury informs me that the presentment referred to was rejected by the Grand Jury, not because it led to the Roman Catholic Chapel at Kilmallock, but because the cost of a ferrumite footpath would mean a tax of 4½d. in the £1 on the valuation of the barony of Kilmallock. It was proposed by the cesspayers at Road Sessions to levy half the expense on the county at large, and members of the Grand Jury from other baronies objected to have it so levied. The Grand Jury was quite willing to agree to a flagged footpath, and so intimated before rejecting the application for ferrumite.

THE ROYAL IRISH FUSILIERS.

MR. BLANE: I beg to ask the Secretary of State for War whether, during the training of the 3rd battalion of the Royal Irish Fusiliers, at Holywood, two Catholic bandsmen were required every Sunday to play in the

regimental band to and from the Protestant Episcopal Church, at the very time that the Catholic service for the soldiers was taking place, and were thus prevented from being present at their own place of worship; and whether, in view of the fact that the Catholics in the battalion outnumber any of the other religious denominations, and largely contribute to the profits of the canteen, which bears most of the expenses of the regimental band, it can be arranged that the Catholics of the regiment may have the band to their church on alternate Sundays?

*MR. E. STANHOPE: I am unable to answer the question of the hon. Member at present. I must ask him to put it down for another day.

MR. BLANE: I will repeat it on this day week.

EX-CONSTABLE PETER BRENNAN.

DR. TANNER: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether ex-Constable Peter Brennan, late of the Royal Irish Constabulary, who was convicted by a Coroner's Jury of "wilful murder," has been allowed or encouraged to retire from the police, and granted a pension of £72 per annum; and whether Brennan, having failed in business as a publican in Kinsale, has been recently employed as a bailiff by the Sheriff for the County of Cork?

MR. A. J. BALFOUR: I only received notice of this question this morning. I must ask the hon. Member to defer it until Monday.

DR. TANNER: I will repeat it to-morrow.

IRISH MODEL SCHOOLS.

DR. TANNER: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland what was the proportion of local support to the total expenditure in Irish model schools for the year ending 31st March, 1889; what was the corresponding figure for all other Irish national schools; and can he state what objection the Government have to local support for national schools in Ireland?

MR. A. J. BALFOUR: The Commissioners of National Education report that, for the year ended March 31, 1889, their total expenditure in respect to model schools was £27,358, and the total local aid (including school fees and rates in contributory unions) in support of model schools was £6,766. Their total expenditure in respect to ordinary national schools was £701,220, and the total local aid in support of ordinary national schools was £188,218. The above figures do not include expenditure by Board of Public Works on ordinary national schools or model schools. The Commissioners, far from having an objection to local support for national schools, have laid down in their rules that applicants for a grant to build a school must satisfy the Board that they—

"Are prepared to raise by local contribution at least one-third of the whole sum which the Commissioners may deem necessary for the erection of the house, and providing furniture; and that when the school comes into operation, adequate local aid will be provided in augmentation of the teachers' emoluments from the Board."

THE PORTUGUESE IN AFRICA—SEIZURE OF THE *JAMES STEVENSON*.

In reply to Mr. BUCHANAN,

SIR J. FERGUSSON said: A report was received from Her Majesty's Consul at Mozambique that an African Lakes Company's steamer had been seized, and the officers and crew sent under arrest to Quilimane. He immediately communicated the report to the Governor General, who assured him that any interference with British subjects north of the Ruo would be severely censured. Her Majesty's Minister at Lisbon has been instructed to make an urgent representation to the Portuguese Government, who have sent orders by telegraph to Mozambique to punish with severity those who have been guilty of infraction of orders. The officer who is said to have made the seizure had, previously to these events, been removed from command.

FINANCIAL RELATIONS OF THE THREE KINGDOMS.

MR. SEXTON: I wish to ask the Chancellor of the Exchequer what steps he intends to take for the appointment of the Select Committee on the financial relations of the three Kingdoms?

MR. GOSCHEN: I have taken steps in the direction of finding persons who might have influence with gentlemen who have put down Amendments to

withdraw them, and then the Committee could be appointed. But the Government cannot put off the discussion of Supply, even for so interesting a subject. Perhaps the hon. Member can use his influence to induce gentlemen to withdraw their Amendments.

MR. SEXTON: I have no control over hon. Members.

MR. GOSCHEN: Nor have I.

MR. SEXTON: But the right hon. Gentleman has control over the time of the House.

GLASGOW CEMETERIES.

Return ordered—

"Showing (1) names and situations of Cemeteries situated within the present municipal boundaries of Glasgow, or within a distance of three miles thereof, excluding burial grounds closed permanently by order of the Sheriff in May, 1870; (2) distances from Glasgow Cross; (3) the number of dwelling-houses within 100 yards of walls of each Cemetery; (4) where the drainage of each Cemetery is led to; (5) the nature of the subsoil, whether clayey, sand, loam, or otherwise; (6) name of owner or Company drawing revenue; (7) extent of each ground; (8) the date of the first interment in each; (9) for each of the years 1887, 1888, and 1889, the number of bodies buried in each class of grave known as (a) private lairs, (b) dressed ground, (c) common ground, and (d) parochial ground; (10) the average depth and surface space allowed for each selected or private grave; (11) the average depth and surface space of each common grave and the unoccupied space left between each common grave; (12) the average number of bodies buried in each common grave, including bodies of children, stating also the highest and lowest individual case; (13) the total charge made by the proprietor of the Cemetery for an interment in common ground; and (14) whether bodies are removed after burial from common to private ground upon the relatives paying an additional sum, if so, how many bodies have been so transferred."—(*Dr. Cameron.*)

RATES (LIVERPOOL AND CERTAIN OTHER MUNICIPAL BOROUGHS).

Return ordered—

"Showing the rate in the pound of all Rates, other than Water and Gas Rates, or Rates for private improvement works, levied in the Municipal Boroughs of Liverpool, Birmingham, Manchester, Leeds, Sheffield, Bristol, Nottingham, Bradford, Salford, Kingston-upon-Hull, Newcastle-upon-Tyne, West Ham, Portsmouth, and Leicester, in each of the years ended Lady Day, 1870, 1880, and 1890."—(*Mr. Lewis Fry.*)

TOWN HOLDINGS.

Report from the Select Committee, with Minutes of Evidence and an Appendix, brought up, and read [Inquiry not completed];

Report to lie upon the Table, and to be printed. [No. 341.]

MESSAGE FROM THE LORDS.

CHILDREN'S LIFE INSURANCE BILL.

That they do communicate Copy of Report, &c., of the Select Committee, appointed by their Lordships in the present Session of Parliament, on the Children's Life Insurance Bill, as desired by this House.

MOTION.

BUSINESS OF THE HOUSE (SATURDAY SITTING).

Motion made, and Question proposed,

"That the Sitting of the House to-morrow be subject to the Rules in force regulating the Sitting of the House on Wednesday."—(*Mr. William Henry Smith.*)

In answer to Mr. SEXTON,

*(4.25.) MR. W. H. SMITH said: If the business with regard to Nos. 1 and 2 on the Paper and the Report of Supply are concluded to-night, the substantial business to-morrow will be the Police Bill and the Police (Scotland) Bill.

SIR G. CAMPBELL: I protest against taking the Police Bill on Saturday. It is a Bill which affects all the constituencies, a Bill which neither the House nor the country has had an opportunity of understanding—[*Cries of* "Agreed!"]—a Bill which, in my opinion, is of such a wide character, and involves the interests of so many constituencies, that it ought not to be taken at a Saturday Sitting.

*MR. SPEAKER: The hon. Member is not in order in discussing a measure which is to be brought on upon another day.

MR. A. O'CONNOR: May I ask whether we cannot shorten the rest of the Session. If the Government will only let the House clearly know what is the minimum with which they will be satisfied, so that Members may know precisely where they are placed, the business would go on with considerable alacrity.

*MR. W. H. SMITH: The House has already been informed on the subject. I said that it would be necessary to pass the Local Taxation Bill, the Police Bill,

the Irish Census Bill — ["No"] — I think Members from Ireland generally desire to see it passed, as well as the Census Bills for England and Scotland—the Public Works Loans Bill, and the Savings Banks Bill, which, I believe, there is only one Member opposed to in this House—[MR. STOREY: That is not so]—I have endeavoured to ascertain, and I believe the hon. Member is the only opponent. It may require that we should sit a day or two longer, but the Government think it right to persevere with a measure which, as I stated yesterday, is for the protection of the working classes. These are the measures which the Government think it necessary to proceed with, and having stated that twice, three times, or four times already, I think I am not unreasonable in asking that we may be allowed to proceed with the business without undue delay.

MR. STOREY (Sunderland): I assure the right hon. Gentleman that I know from personal contact with Gentlemen not only on this, but on the other side of the House, that there are very considerable objections to the Savings Banks Bill. ["No."] If instead of adding burdens to the Savings Banks the right hon. Gentleman would give additional powers for receiving money, he would have no difficulty in passing the Bill. As one connected with Savings Banks for 25 years, I can say that the Bill in its present shape is absolutely useless.

*MR. CHANNING (Northampton, E.): I should like to urge the claims of the Registration of Titles Bill and the Registration of Assurances Bill, which would be of the greatest value in connection with the Land Purchase Bill.

MR. DILLON: Great discussion may arise on the Registration of Titles Bill, and unless the right hon. Gentleman is prepared to give ample time for such discussion it would be better to postpone the Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): Although the general principles of the Local Registration of Titles Bill, and the Bill dealing with the Registry of Deeds, have been accepted by Members on both sides of the House, I fully recognise that these measures raise important questions of detail. It would be unreasonable to expect that time should be given for them during the present Session, but I propose to introduce them at the very earliest period next Session.

In answer to Mr. HUNTER (Aberdeen, S.),

THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute) said: The Report of the Select Committee on the Scotch Police Bill will be circulated immediately, but not with the documents which were to form appendices. These will be circulated as soon as possible.

DR. CLARK (Caithness): May I ask when Scotch Supply will be taken. A number of Members have been compelled to remain in town on account of it. If we could only get a pledge that Scotch Supply would not be considered while Scotch Members are away there would not be much trouble. The Irish Estimates have been taken some time ago, and Irish Members have not troubled the House since.

MR. SPEAKER: The question before the House is not Scotch Supply, but that the sitting to-morrow be subject to the rules regulating the sitting of the House on Wednesday.

Question put, and agreed to.

ORDERS OF THE DAY.

RESERVE FORCES BILL.—(No. 272.)
SECOND READING. [ADJOURNED DEBATE.]

Order read for resuming Adjourned Debate on Question [4th July], "That the Bill be now read a second time."

Question again proposed.

Debate resumed.

(4.31.) DR. TANNER (Cork Co., Mid): May I ask for some explanation of the 2nd clause? I do think the right hon. Gentleman in charge of the Bill should make some explanatory statement, however brief. It appears to me ridiculous to enlist men, and then immediately transfer them to the Reserve without first giving them some suitable training.

(4.31.) MR. A. O'CONNOR (Donegal, E.): I wish to ask whether the War Office Authorities have considered the legal effect of the Bill in respect of the men who, intending only to be Volunteers, have enlisted in the Army, and who are liable to be sent on foreign service or to be ordered out of their own districts?

*(4.32.) MR. E. STANHOPE: The hon. Member for Mid Cork has evidently forgotten that he made the same request before, and that I have explained the object of the Bill to him. It is desired in a case of emergency to have the services of certain telegraph, postal, and railway men, and it is found to be the cheapest way to draw them from the Volunteers. One object of the Bill is to enable these men to be employed abroad if necessary in case of emergency.

Question put, and agreed to.

Bill read a second time, and committed for to-morrow.

LOCAL TAXATION (CUSTOMS AND EXCISE) DUTIES BILL.—(No. 404.)

Bill, as amended, considered.

Clause 1.

Amendment proposed, to leave out Sub-section ii.—(*Mr. Chancellor of the Exchequer.*)

Question proposed, "That Sub-section ii. stand part of the Clause."

(4.35.) MR. H. H. FOWLER (Wolverhampton, E.): I wish a Motion had been made to re-commit the Bill in order that we might briefly discuss the entire re-construction of this Bill which is now going to take place on the Motion of the Chancellor of the Exchequer. I have no wish to delay the House by any unnecessary remarks, but I rise for the purpose of making a final, if an unavailing, protest against what I consider to be the disastrous finance which this clause will now give effect to as altered by the present Amendment. We are no doubt dealing with the last stage of the Bill, and I should like to call attention to the fact that this is the 25th night on which the House has been discussing the financial arrangements of the present year. There is no precedent for this in modern times—at any rate, since the repeal of the Corn Laws. The House has been sitting between 110 and 120 days up to this evening; and, therefore, one-fourth of the time of the House of Commons has been consumed in discussing what now turn out to be practically abortive financial proposals. But much more important than this is the principle which the Chancellor of the Exchequer is now asking the House of Commons to put its seal of approval upon, and this is the enormous additional subvention proposed to be given to the Local Authorities. I have been looking into the figures as they now stand regarding this question. When the Chancellor of the Exchequer has amended this Bill, there will be added for the purpose of local subvention £1,300,000; yet the Chancellor of the Exchequer, only two years ago, said that, so far as the Government were concerned, they had shown their whole hand, and they had no further proposals to make. But within two and a half years from the time the right hon. Gentleman made that statement he proposes to take £1,300,000 from what I may call essentially Imperial taxation in order to place it in the hands of the Local Authorities.

*MR. SPEAKER: Order, order! I must remind the right hon. Gentleman that the House is not now discussing the principle of the Bill. He is really delivering a Second Reading speech.

MR. H. H. FOWLER: Of course, Sir, I at once bow to your ruling. I only wish to submit that the Chancellor of the Exchequer is now proposing to add £350,000 to the general subvention of the Local Authorities; and I object to that, because I consider that the Local Authorities have already too much. This £350,000 will make the total sum granted this year in aid of local taxation over £9,000,000. I have no wish to deal further with the general question, but I entertain a most strong opinion that these large local subventions are not justified by the state of local finance; they are premiums upon mismanagement and extravagance; and they revive the old system of subventions in its worst form, because they make the Local Authorities practically reckless as to how the money is spent. In raising a protest against this enormous additional subvention, I wish to say that arrangements of this kind cannot be regarded as binding, and we shall claim for ourselves the right to re-consider this question when the proper time arrives.

Question put, and negatived.

Amendment proposed, in page 1, line 20, after the word "shall," to insert the words "until Parliament otherwise determine."—(*Mr. Chancellor of the Exchequer.*)

Question proposed, "That those words be there inserted."

(4.40.) SIR W. HARCOURT (Derby): I do not know whether we are to expect any answer from the right hon. Gentleman the Chancellor of the Exchequer, but I do submit that the remarks of the right hon. Gentleman deserve some notice. The Chancellor of the Exchequer has refrained from answering the speech of my right hon. Friend. We had some discussion on these words when they were proposed to be inserted by the right hon. Gentleman in the clause applicable to Scotland. What is meant by inserting these words? The Chancellor of the Exchequer must have some special object in introducing them. What is it? Do the words apply to the additional duty on beer, or do they not? The other day the right hon. Gentleman told us the object was to impart a flavour of uncertainty. But the whole financial policy of the right hon. Gentleman this year has had such a flavour of uncertainty, that I think it is a work of supererogation to introduce these words. The right hon. Gentleman was good enough to give me credit for having sufficient acuteness to understand the meaning, but I confess I am not entitled to that credit, for I have unsuccessfully endeavoured to define the meaning of introducing the words. In his original Budget the right hon. Gentleman held out a curious hope to the brewers. He said he had half promised to take off the additional tax on beer, and he would fulfil that promise, but he intended to put it on again, and give them the benefit of the proceeds. He did so, but now he has struck out the clause which was to secure the benefit to the brewers. Now, I again ask, do these words apply to the Beer Duty or the extra Spirit Duty? I think we are entitled to hear from the Chancellor of the Exchequer what is the uncertainty which these words point to—in short, what is the intention of inserting them?

(4.45.) THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): The right hon. Gentleman began his observations with a complaint that I had not answered the speeches of the right hon. Gentleman the Member for Wolverhampton. I am free to be criticised in many things, but I am seldom criticised for not being ready to take up a challenge that is thrown down. I did not rise to answer the right hon. Member for Wolverhampton, because I understood I could not do so without offending against order. The whole of the remarks of the right hon. Gentleman seemed to be directed against the Bill generally, and I could not reply to them without being out of order, otherwise I should have longed to be able to comment on the astounding charge against the Government that this Bill has been discussed for 25 days. I should have liked to refer to some of the minute points which were discussed for hours and hours with a most fearful waste of the time of the House. I shall be called to order by the Speaker if I pursue that topic. In reply to the right hon. Member for Derby I have to say that I have twice dealt with this matter—once in the case of Scotland, and once in the case of Ireland. In the case of Scotland the right hon. Gentleman misunderstood me, and in the case of Ireland he did not hear me at all. The right hon. Gentleman asks, Why are the words introduced here? The answer is that the residue is in a different position now from what it was, and my anxiety has been that Parliament shall not give an absolutely permanent character to the sum which has become available through the dropping of the licensing clauses. The right hon. Gentleman made merry over the phrase used by me, "the flavour of uncertainty"; what I meant was that the Local Authorities should have notice that there is, in the language of the right hon. Member for Wolverhampton, a prospect of revision as regards that particular sum. It seems to me right that the question should be left open whether there shall be any revision of the additional taxes imposed in consequence of the dropping of a portion of the scheme. That is the object with which the words have been inserted, and I think it more candid to the Local Authorities and to the House generally that such notice should be given.

(4.50.) MR. A. ACLAND (York, W.R., Rotherham): Will the right hon. Gentleman accept the word "unless" instead of "until"?

MR. GOSCHEN: Yes; I do not think it much matters.

Question put, and agreed to.

(4.51.) MR. A. ACLAND: In moving the Amendment which stands in my name, I will endeavour to be as brief as possible. The right hon. Gentleman has put down an Amendment which meets the wishes of the people of Wales, and he has done the same for Ireland. The Members for Scotland have to some extent fought out their case. In the case of England, if the Bill passes in its present form it will not contain a word about the definite appropriation of the money for educational purposes. There is nothing beyond the right hon. Gentleman's intimation that by and by some new charges may be thrown on the County Councils in connection with intermediate and technical education. I wish to get rid of some of that uncertainty. While Scotland and Ireland get each a large share of the money set free by the dropping of the licensing proposals, England, if the Bill stand as now, will secure nothing at all, whereas, supposing that England gets the same share as Scotland, she will have nearly £2,000,000, if the same share as Ireland nearly £1,000,000, and if the same share as Wales will assuredly get about £750,000. I think we are putting the cart before the horse. We ought to get free education, but first we must have our District Councils; we ought to have uniform School Boards, and we ought to have a well organised elementary system. Scotland, no doubt, has gone the right way to put the horse before the cart by securing free education first, and when we get our money out of the Exchequer for free education for England, Scotland will put in a claim for another £250,000. It will be impossible to withhold it, and then she can complete her system of secondary and intermediate education. I think the adoption of my Amendment will be a step in the right direction. The local Universities of England have been pleading for grants of money for many years; the Chancellor of the Exchequer has met them with £15,000. The agricultural interest has again and again cried out for assistance towards dairy schools and agricultural teaching; the amount the Chancellor of the Exchequer has been able to give has been £5,000, although Prussia, the population of which is not so great as the United Kingdom, gives ten times that amount for agricultural education alone. But these sums are perfectly trifling as compared with the amount which the House is compelled to deal with by a kind of side-wind, and which it is now proposed shall disappear into the great river of rates, never perhaps to appear on the surface again. I propose that the money shall be applied under the Technical Instruction Act of last year, and though the machinery of that Act is not the best for the purpose, it is better than none at all. Already some of our large towns have made grants in aid of this education. Manchester has given £4,000 and Bolton £2,000, and nobody can doubt that assistance from the Government would be greatly valued. I have added to my Amendment that the remainder of the moiety, which is not applied, may be an educational endowment within the meaning of the Endowed Schools Act, because I believe that technical education is no good unless based upon a sound general education, and we shall not get a good general secondary education in England until we set to work, as we are now doing in Wales, and establish a network of good, cheap, secondary schools throughout the whole country. The Endowed Schools Commissioners 20 years ago said that even after they had dealt with the whole re-organisation of endowments the work was only begun, and that what was necessary was a systematic provision for secondary instruction. Since then, however, we have never taken a step towards re-organising our secondary education. I may be told that under the Endowed Schools Act this cannot be done at all, but I hold that our experience in Wales shows that it can be done. Our Committees in Wales are largely composed of members of County Councils, and I imagine that the Vice President of the Council and the Chairman of the Endowed Schools Commissioners will not deny that under the existing Endowed Schools Act schemes could be worked out which would develop secondary education in a very excellent way in England. I know it is said that the Charity Commissioners are unpopular, but in my experience they have acted in a cordial spirit of co-operation with popular bodies like our Committees. The reason they have been unpopular is because they have interfered with local endowments,

but when they are following popular bodies, and not leading, but trying to assist and help, there is no reason why they should not occupy the position of friendly advisers. I lay stress upon that part of my Amendment which has reference to the complete organisation of intermediate education, because I know the admirable work which has been done in Wales. It will be a great misfortune if the opportunity that now presents itself is not taken advantage of; for if the question is not taken in hand, other business in future Sessions may postpone its settlement indefinitely. Scotland and Wales and Ireland are far better off than England in respect of secondary education, and the consequence is, that this country is being invaded by clever Scotchmen, Welshmen, and Irishmen, in ever-increasing numbers. The hon. Member for Roxburghshire the other day made an allusion to the moderate invasion of English Members into Scotland. Well, I imagine that if we in this country were to raise a cry of England for the English, and drive out all the Scotchmen who hold important positions of all kinds here, we should return on the hands of the hon. Member and his friends a great many men whom they do not wish to see back again, but who are doing extremely valuable work. As to the question of shifting the burden of the rates and so forth—as if it were the alpha and omega of the progress of the working classes—no doubt a great deal has been done; but if all the dogmas of the Radicals were realised, there would still remain a great deal to be done in the way of elevating the working classes after they have received all the advantages which can be received from elementary education. That the great dock strike last year was conducted so quietly and successfully was mainly due to the fact that the leaders were educated men, capable of studying and understanding economical and industrial questions. It would be well to have thousands more such men. Let the House, therefore, make provision for their education. In England we are in this position: that the wealthy people, who are largely represented in this House, and who are able to send their sons to the great public schools, do not care much about middle-class education. Then we have the elementary schools, which carry on a useful work; but there is a large middle region which we do not hear much about, which is of the utmost importance, untouched, and it is for the purpose of helping to fill up that gap that I move my Amendment. I admit that the machinery I suggest—namely, some scheme under the Endowed Schools Act and the Technical Instruction Act—is not the best I could desire, but, at the same time, I believe that by these means much good may be done to the working and the middle classes.

Amendment proposed, in page 1, line 20, at the end of Clause 1, to insert the words—

"The council of any such county or county borough may contribute any sum received by such council in respect of the residue under this section, not exceeding a moiety of the residue or any part of that moiety, for the purposes of technical (including agricultural and commercial) education within the meaning of 'The Technical Instruction Act, 1889,' and may make that contribution over and above any sum that may be raised by rate under that Act.

The remainder of the said moiety, which shall not be applied within the meaning of 'The Technical Instruction Act, 1889,' may be an educational endowment within the meaning of the Endowed Schools Acts, and the County Council shall be the governing body of the endowment within the meaning of those Acts."—(*Mr. Arthur Acland.*)

Question proposed, "That those words be there inserted."

(5.17.) MR. GOSCHEN: The hon. Member rested his case upon two grounds, one the desirableness of spending this money on intermediate education, as compared with relieving the rates, and the other a contrast between the educational advantages of this country and those of Scotland and Ireland and Wales. Well, I would point out that if, in educational matters, Scotland, Wales, and Ireland are, in some respects, better off than England, this country certainly has the advantage of having greater endowments. In the course of the proceedings on this Bill the hon. Gentleman proposed a somewhat similar Amendment to this. He was anxious that a sum should be absolutely set aside and spent in all cases upon technical education; but he proposes now an Amendment of a much more moderate nature. If the County Councils choose to employ a moiety of the increased resources which are placed at their disposal towards technical, including agri-

cultural and commercial education, within the meaning of the Technical Instruction Act of 1889, the Government certainly will not wish to place any fetters whatever on their taking such action, and accordingly we shall be prepared to accept the first portion of the Amendment—namely, that the County Councils or the County Boroughs may contribute in respect of the moiety of the residue towards technical, agricultural, or commercial education. The Government are quite as much aware as hon. Members opposite of the desire which is springing up in the country with regard both to technical and agricultural education. The hon. Member speaks of the desirability of assisting agricultural schools. Many hon. Friends of my own behind me have pleaded in the same direction, and have been anxious that the sum placed at the disposal of the authorities for establishing agricultural schools should be increased. Then the hon. Member suggested that a portion of the money should be devoted to intermediate education, and he drew a contrast between intermediate and technical education, suggesting that much progress could not be made with technical education without intermediate education. The Technical Instruction Act defines technical instruction as including instruction in the branches of science and art, in respect of which grants are, for the time being, made by the Department of Science and Art, and any other form of instruction, including modern languages and commercial and agricultural subjects, which may, from time to time, be sanctioned by that Department. But we have not got schools organised for the purpose, and that is why I object to the other part of the Amendment. We have an Intermediate Education Act for Wales which, I believe, is operating very beneficially, but we have not worked out such an Act for this country, nor is there any organised system of intermediate education in England. How can the County Councils, with these optional powers, some of them working on one principle and some on another, bring forward an organised system of intermediate education for the country? By passing the first part of the Amendment we do not preclude subsequent consideration of a portion of this money going to intermediate education, and the hon. Gentleman need not fear that funds for that purpose will be found when an organised plan is established. I should have no objection, on principle, to the second part of the Amendment; but having carefully considered the way in which this money will be employed, under the terms of the Amendment, without any general organised system, I cannot undertake to accept that portion of the Amendment. I would ask that we should treat the two parts of the Amendment separately, unless the hon. Member, after the readiness I have shown to adopt his views as regards the first part, feels disposed to withdraw the second. The first part runs on all fours with the Amendment I have myself put on the Paper with regard to Wales, and I should be glad if we had a uniform system, as far as possible, in England and Wales as regards technical education.

(5.23.) MR. MUNDELLA (Sheffield, Brightside): We have all heard with satisfaction of the readiness of the Chancellor of the Exchequer to accept a part of the proposal of my hon. Friend the Member for Rotherham. I regret that the right hon. Gentleman does not see his way to accept the whole, and I do not think there are those difficulties with respect to organisation which the Chancellor of the Exchequer seems to foreshadow. Why should it not be possible for the Endowed School Commissioners, upon application from the County Councils, to prepare a scheme for intermediate education as well as for any other subject? In a former Debate on the subject two years ago the Leader of the House promised that what was done for Scotland in respect of intermediate education, and every branch of education, should he done for England. In Scotland the ordinary schools are not called elementary, but public, schools, and the Government make grants in all these schools for Latin, Greek, Mathematics, and other subjects, which are in themselves part of the curriculum of intermediate education, for which no corresponding grant is made in England. It is the fact that large numbers of the youth of Scotland go from the parochial and public schools direct to the Universities. I am rejoiced that that is so. But why should England be deprived of these advantages? The whole of the

higher schools of Scotland are under the control of the School Board, and they receive grants from the rates for what they call the common fund. I do not say the intermediate education of Scotland is all that Scotchmen desire. They are anxious to have it improved, and they are improving it at an enormous rate, and, as compared with England, they are at an enormous advantage. I doubt whether, according to its population, England has as many endowments as Scotland. The Universities of England have great endowments, but not for intermediate education. Under the Endowed Schools Commission Act of 1883 all the endowments of Scotland have undergone revision, and on the governing bodies of the endowed schools in Scotland there is some public representation. We have nothing corresponding to that in England. Why is it that England should be placed in this disadvantageous position as compared with Scotland? I would ask the First Lord of the Treasury when will he fulfil his promise, made more than two years ago, with respect to intermediate education. The whole of the intermediate and endowed schools in Scotland are examined by examiners appointed by the Scotch Educational Department, and attached to every school there are "leaving certificates," which admit the scholars to a great variety of educational advantages. We have nothing corresponding to that in England. We have no public examinations at the expense of the State, as in Scotland. Now, supposing the first part of the Resolution is to be accepted there are certain words which should be omitted—I mean the words "not exceeding a certain moiety of the residue." These words must undoubtedly come out, so that it would apply to technical, commercial, and agricultural education.

THE VICE PRESIDENT OF THE COUNCIL (Sir W. HART DYKE, Kent, Dartford): The hon. Member says that if not the whole of the moiety then that a portion of it shall be used.

MR. MUNDELLA: If you take the second proposal, and strike out these words, then you could apply the whole of it to technical, commercial, and agricultural schools. I want to point out to the right hon. Gentleman the importance of adopting the second part of the Resolution. Nobody knows better than the First Lord of the Treasury the great inequality of endowments in this country. He knows that there are some localities which are positively enriched by endowments, and others in which they have no endowments whatever. But suppose the County Council had power to apply part of the residue to intermediate education, how largely they might extend it. In our large towns, with their rapid growth, it would be an enormous boon if they could have some aid, some beginning of intermediate education. And my hon. Friend the Member for Rotherham has pointed out that small State aid is an enormous stimulus for the Local Authority. It always evokes and develops a large amount of local effort. It has already done so in Wales in respect to technical education. With respect to the statement of the Chancellor of the Exchequer, that we have no organised intermediate education in England, I must take exception to that. There is scarcely a town in England where the Charity Commissioners have not framed schemes of intermediate education. Why, if there are a thousand or two a year to be devoted to intermediate education, should not the Charity Commissioners enlarge these schemes, and place some members of the County Councils on the governing bodies, and so give increased utility and increased representation at the same time? I do hope that the Government will not, in this respect, place us in a worse position than Scotland, Wales, and Ireland. At present we do not get a farthing grant; but here is the first opportunity the Government have had of rendering some service, and helping forward the work of intermediate education, the great desideratum of the present time. The Government have accepted the first part of my hon. Friend's proposal. I do trust that they will accept the remainder, and that we shall be able to make a start in the way of helping ourselves with intermediate education.

*(5.35.) SIR W. HART DYKE: I would like to say one or two words in no contentious spirit. I am perfectly ready to admit that in England we are somewhat at a disadvantage with respect to intermediate education. The greater portion of the speech of the hon. Member

for Rotherham was directed, and fairly, to showing that there was such a deficiency, and it was essentially a speech in favour of an Intermediate Education Act for England. I wish to mention one or two reasons which ought to make the House satisfied with the way in which Her Majesty's Government have met this Amendment. Here is a sum of money to be disposed of. At first the Chancellor of the Exchequer said it would be used for education, and then the hon. Member for Rotherham suggests that it may be applied to technical and intermediate education. Now, I am anxious that we should not accept the second portion of this Amendment, because there is a distinction between it and the first. About the first proposal there is this excellent characteristic, that the machinery is ready to hand. Considering how slow people are to move in matters of education, it is obviously of great advantage to have the machinery ready to hand. What is happening with regard to our Technical Instruction Act? It is at work, and it has been taken up warmly in most of our large industrial centres, Manchester, Sheffield, Burnley, Rochdale, Stockport, Macclesfield, Maidstone, Rotherham, Wakefield, Bingley, Bolton, Nottingham, Leeds, Newcastle, Blackburn, Reading, and many other places, where Committees have been at work some time to bring it into active operation. I am now merely pleading for the best use that can be made to-day of this money. All this is going on already with regard to secondary education and technical instruction, and why, therefore, should we not have this money applied swiftly? What is the initial difficulty? The initial difficulty is getting a lump sum for building purposes. Most of these localities will face the rate necessary for the maintenance of an institution, but they will not undertake the initial expenditure which is required to obtain a building. Now, this sum of money will precisely fit into the groove, precisely fill up the gap, and furnish to these localities the amount of the initial expenditure which I think can be most usefully and beneficially applied. I am willing to concede that it is possible to frame an Intermediate Education Act for England, as has been done in Wales, and no man in this House would be more ready to avail himself of time and opportunity to do so than myself. But if this money were to be applied as suggested by the second portion of the Amendment, and if it were handed over to the County Councils, there would be absolutely no machinery whatever. In the case of the Welsh Act, Committees were appointed, composed of three representatives of the County Council, and two members nominated by the Lord President of the Council—gentlemen connected with the county selected for their educational standing and position. But, in the present instance, I do not think it would be fair to hand this money to the County Councils without their having that machinery which the Welsh Education Act supplied. It is because there is this want of machinery, that I am unable, without further consideration, to assent to what would be virtually the introduction by a side wind of an Intermediate Education Act for England.

MR. MUNDELLA: I am afraid there is some misunderstanding. What is the difference between the machinery for the first part of the Amendment, and the machinery for the second?

*(5.45.) SIR W. HART DYKE: The County Council has no machinery, except under the Technical Instruction Act in connection with the Science and Art Department.

SIR LYON PLAYFAIR (Leeds, S.): Mr. Speaker, a short time ago the House appointed a Select Committee upon endowed schools, and I had the honour to be Chairman of that Committee, and my right hon. Friend was a Member of it. He will remember the great difficulty we had in examining how endowed schools could be made of greater use to the public, because these endowed schools had no means of getting properly equipped. They were proceeding very much on the old lines—Latin and Greek and general education, but they had no support for scientific education. Now, I am very grateful to the Government for having adopted the first part of the Amendment, but the second part is also of very great importance, and if my right hon. Friend will only recollect the recommendations as to the endowed schools he must himself admit what important measures might be brought

under this Amendment. In the first place you have taken great trouble to establish endowed schools throughout the country, but you leave them entirely unconnected with any Local Authority, except Local Boards, to manage them, and without any knowledge on the part of this House as to whether they are failures or successes. Now, this Amendment offers you an organisation. The County Council may move the Charity Commissioners, with the funds at their disposal, to equip these schools and make them suitable for scientific instruction. It may enable them to provide funds out of which the teachers of science might be paid, and it might, in this way, re-organise the schools throughout the country, and produce the greatest results upon secondary education throughout the country, in the way of meeting modern requirements for scientific teaching. Without money they cannot do this. They have no funds to equip laboratories and workshops, and it is better to leave science alone if it is to be mere book-learning. Here you have an admirable opportunity for authorising the County Councils to act along with the Charity Commissioners, with a view to satisfying the strong wishes in the country for scientific teaching. There is nothing in this proposal that would prejudice the Government in the future in bringing in a Bill for intermediate education. The Government have gone half way very liberally, and I thank them very much for adopting the first half of the Amendment. But they will confer a benefit on the country if they adopt also the second half. They would enable the Charity Commissioners, with the assistance of the County Councils, to equip those schools, and they would make a large stride towards intermediate education.

(5.55.) MR. HERBERT GARDNER (Essex, Saffron Walden): I am sure all who sit on this side of the House must congratulate my hon. Friend the Member for Rotherham on the success which has attended his efforts in the direction of education, and especially for having given the right hon. Gentleman, who professes to be the friend of the agriculturist, the opportunity of sweeping away the shame of having given only £5,000 towards agricultural education, while smaller countries, like Sweden, have been able to devote a much larger sum to that object. I regret that the Government have not found it possible to accept the second part of my hon. Friend's Amendment. It has been said that it is impossible to carry out the idea; but the two right hon. Gentlemen below me, who both have been Vice President of the Council, say that it is quite possible to carry out this scheme. I rise for the purpose of asking my right hon. Friend to leave out the words "not exceeding the moiety of the residue, or any part of that moiety," so that the whole of the residue might be taken for this very desirable object. That course has already been adopted in Wales, where the residue has been practically devoted to technical education. For my part, I do not see why the whole of this sum should not be utilised.

*(6.0.) SIR WALTER BARTTELOT (Sussex, N.W.): I am glad that the right hon. Gentleman has accepted the first part of the Amendment, because I believe that nothing is required more than technical education in this country. We have been lamentably behind many other countries with regard to that. We give a good education in our schools, but at the same time we ought to impart that which will enable the boy to get his living in the future. One word more before I speak of the second portion of the Amendment. I think anyone who knows the country districts well, will recognise the difficulty of getting children living at long distances to attend in all weathers. I must say I was sorry to hear the right hon. Gentleman the Member for Sheffield condemn my county, and I think he most unfairly and unjustly overstated the case when he said it was one of the most backward counties in England, and that it was a perfect disgrace.

MR. MUNDELLA: Perhaps my hon. Friend will allow me to say that what I said was that in a large portion of the rural districts Standard IV. was the standard of full time, and I complained that, whether in Sussex or elsewhere, it was a discredit.

*SIR W. BARTTELOT: I do not want, after what the right hon. Gentleman has said, to go into that matter more fully, but it was said in regard to my right hon. Friend the Chancellor of the Ex-

chequer living in Sussex. We have got so good an education in our rural schools that a large number of the farmers are sending their children to them, because there are scarcely any good intermediate schools. I think it is a discredit that we have not better intermediate schools, and I hope my right hon. Friend will be able to see his way to having intermediate education extended throughout the country.

(6.5.) SIR W. HARCOURT (Derby): I think we ought to acknowledge the manner in which the Government have met the Amendment of my hon. Friend. If the Government do not wish to accept the whole of it, I do not think he could, after the discussion which has taken place, carry the controversy any further. I will show what can be done under the first part of the Amendment. In the Technical Instruction Act, the interpretation clause states that technical instruction shall mean instruction in science and art, applicable to industries, including modern languages, and commercial and agricultural subjects, which may for the time being be sanctioned by the Department. That, really, covers a great part of what we mean by technical education. I hope that intermediate education will not be neglected in the future. I gather, from what the Vice President has said, that was a subject the Government viewed with favour, and were willing at an early period to make provision for. That being so, if my hon. Friend takes my advice he will be content with the acceptance of the first part of this Amendment.

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): The right hon. Gentleman is mistaken. The hon. Member in his Amendment only speaks of one moiety, but I understand he suggests that if the whole moiety is not applied to the first part of his Amendment, then that a portion of it should be applied to the second portion of his Amendment.

SIR W. HARCOURT: This clause is permissive, and I do not see what is the use of the retention of these words. The County Council would be able to judge whether less or more—probably it would be less—than the moiety was required, and, therefore, I do not see the necessity of introducing these words at all. You can leave absolute freedom to the County Council to use as much or as little as they please of the moiety. The only disadvantage that we may expect by not taking the second part of the Amendment is, that the County Council may appropriate all the rest of the money in a manner that would exclude intermediate education in the future, when the machinery was created. I hope that may not be so, and that the County Council, especially in boroughs where the larger demand for this kind of school would arise, would keep their hands upon a sufficient sum of money to be used in future when the machinery was devised.

MR. A. ACLAND: I beg to withdraw the second part of the Amendment, and I beg to suggest that with regard to the moiety, the second part might be made to read the same as the Welsh Clause.

*MR. BRYCE (Aberdeen, S.): The Vice President has mentioned the difficulty with regard to the initial expense of instituting technical instruction. His remark was well founded, and suggests a reason for not limiting too strictly the powers of the County Council. It might well be that more than the moiety was spent on these initial expenses, and, therefore, there seems to be ground for letting the County Councils, in some cases, spend more than the moiety.

MR. GOSCHEN: I am not indisposed to assent to the omission of the words as to the moiety, as the matter rests entirely with the County Council.

MR. COURTNEY (Cornwall, Bodmin): A little alteration is wanted. If these words were struck out, power would be given to the County Council to contribute only the moiety of the residue. You will have to insert the words "or any part thereof."

MR. ROWNTREE (Scarborough): Any sum going to a borough might impair the authority of that borough, and so cause jealousy because of the interference of the County Council.

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's).: I have an Amendment to add to the present Amendment which will meet that objection.

*(6.12.) SIR HENRY ROSCOE (Manchester, S.): I am anxious to say how gratified I am at the acceptance by the Government of the first part

of my hon. Friend's Amendment. To the great centres of industries, where the work of technical education is already in progress, it will be of great importance. The money will be available in large centres of industry, not only for assisting existing institutions, but for aiding the establishment of new ones. Where the Act is not already in operation the Amendment will be of great benefit by placing money at the disposal of the County Councils, by giving a start to the adoption of the Act. The Committee, which was presided over by the hon. Baronet the Member for the Wells Division, pointed out how important it was that in the rural districts money should be available for this purpose. We all know that farmers are inclined to complain, but it is a new thing that they should attribute a great deal of what may be called their misfortune to their having had no technical education. Therefore, both in large industrial centres and in agricultural districts, we may look forward to the money now to be applied being productive of a great deal of good. I regret, with most Members interested in education, that the second part of the Amendment has not been accepted by the Government, although I agree with the right hon. Gentleman the Member for Derby that really the scope of the technical instruction which can be given under the Act includes a great deal of what is classified as intermediate education. In the City of London the subject, which has not yet come under the County Council, is one of vast importance, and we may hope that my right hon. Friend the Member for the University of London, who is Chairman of the County Council, and who takes a deep interest in all educational matters, will see that this great Metropolis takes advantage of the Act, as our great provincial industrial centres certainly will.

Amendment, by leave, withdrawn.

Amendment proposed, in page 1, at end of Clause, add—

"The Council of any such county or county borough may contribute any sum received by such council in respect of the residue under this section, or any part of that sum, for the purposes of technical (including agricultural and commercial) education within the meaning of the Technical Instruction Act, 1889, and may make that contribution over and above any sum that may be raised by rate under that Act."—(*Mr. Arthur Acland.*)

Question, "That those words be there added," put, and agreed to.

*(6.17.) MR. RITCHIE: I understand that hon. Gentlemen who represent boroughs in counties are very anxious that power should be conferred upon the County Council to pay any money which they may contribute towards technical education to the governing authority of a town or urban district instead of to the schools in those areas. Therefore, I propose—

"That the County Council may make any such contribution by giving the amount thereof to any Council or Urban Sanitary Authority in their county for the purpose of the same being applied by such Council or Authority under the Technical Instruction Act, 1889, over and above any sum raised by rate by such Council or Authority."

Question put, "That those words be there added."

MR. COURTNEY: I think those words would only enable the County Council to make one contribution to one authority.

MR. SAMUELSON (Gloucester, Forest of Dean): I was going to point out that the words appear to mean that the contribution shall be made only where a rate has been raised.

*MR. RITCHIE: I think it will meet the objection of the right hon. Gentleman (Mr. Courtney) if I insert the words "the amount, or any part of the amount."

MR. SAMUELSON: The point I put was that the contribution might be regarded as necessarily one in aid.

*MR. RITCHIE: I do not think that would be so. This is "over and above" the amount raised by rate. It does not imply that they must raise a rate.

SIR W. HARCOURT: I confess it seems to me that is so. I do not know whether it is the intention of the Government.

*MR. RITCHIE: No.

SIR W. HARCOURT: That is the meaning of the words "may contribute in addition to the sum which the Council give." You can only give when a sum has been already raised. I am afraid that has been already done under the first part of the Amendment of my hon. Friend the Member for Rotherham. I read it that there must be a sum raised

by the rate; and, unless something had been raised by the rate, there could be nothing "over and above" that.

*Mr. W. H. SMITH: It can be altered in another place.

Mr. F. S. POWELL (Wigan): It is important that it should not be made to depend on the raising of a rate. I know some places where the Local Authorities would be extremely slow to levy a rate, perhaps not for many years, and I hope the County Council will be enabled to make the grant without that condition.

*Mr. RITCHIE: I hope the House will allow the Amendment to be put in this form—

"The County Council may make any such contribution by giving such amount or any part of that amount to any Council or Urban Sanitary Authority in that county for the purpose of the sum being applied by such Council or Authority under the Technical Instruction Act, 1889, over and above any sum which can be raised by rate by such Council or Authority."

Question proposed, "That those words be there added."

Mr. COURTNEY: I am afraid that my objection still applies to the first part, that as the words now run they confine the contribution to one contribution.

*Mr. RITCHIE: I will take care to see that it is set right.

Question put, and agreed to.

Amendment proposed, in page 1, line 20, at end, add—

"The Council for any county to which the Welsh Immediate Education Act, 1889, applies may contribute any sum received by such Council under this section in respect of the said residue or any part of that sum towards intermediate and technical education under that Act, in addition to the amount which the Council can under that Act contribute for such education."—(*Mr. Chancellor of the Exchequer.*)

Question proposed, "That those words be there inserted."

Mr. S. T. EVANS (Glamorgan, Mid): As already has been said by the Chancellor of the Exchequer, the Intermediate Education Act has worked exceedingly well in Wales, though in the poorer districts difficulty has been experienced in obtaining the necessary funds. That difficulty will now be got over now this money is to be provided. But I would point out to the Chancellor of the Exchequer, in connection with the Beer and Spirit Duty, that Wales does not get her fair proportion. The population of England is 27,000,000, and of Wales and Monmouth 1,700,000. The sum which England gets is £709,000, and Wales £34,000—or England gets 6¼d. and Wales 4¾d.—a very considerable difference, considering the smallness of the sum. Wales really ought to get £44,000.

Question put, and agreed to.

(6.23.) Mr. CAMPBELL-BANNERMAN (Stirling, &c.): Mr. Speaker, I cannot help expressing a sanguine hope and expectation that the Government, having treated in so conciliatory a spirit the claims of England and Wales, will now proceed to regard our claims in the same favourable light. We have to bear in mind the very extraordinary indications of Scotch political and parliamentary feeling which the divisions taken in Committee disclosed. On two main propositions in opposition to the scheme of the Government we find, in one case, the Amendment supported by 42 to 14 of Scotch Members, and in the other by 44 to 11. We can hardly, therefore, be supposed unduly obstinate or persistent if we take this opportunity of inviting the House and the Government to reconsider the situation. The hon. Member for Roxburghshire scouted the idea that the vote of the majority of Scotch Members ought to be regarded, and I am not saying for one moment that Irish and English Members ought to bow to that majority. That would be simply absurd, but I do think that some deference ought to be paid to such a remarkable expression of opinion. Now, the Amendment which I am going to move places the issue between us in a very straight way. On the one hand it is relief of the rates, and on the other free education. I will content myself by saying, in regard to the relief of the rates, that there are four objections to which that disposition of this money is open. In the first place, the money will be handed over to the authorities as a vague kind of subsidy with no guarantee for its economical administration. Then, the relief of rates has not been asked for by the people of Scotland. My hon. Friend brought forward again the other day his old friend the blacksmith, and he said that the abolition of fees in primary schools would be a good thing

in large towns, but was there nothing to be done for the relief of small ratepayers? What I would point out to my hon. Friend is this, that he greatly exaggerates the benefit to be conferred on the blacksmiths. My hon. Friend the Member for Aberdeen showed that the money to be given, if divided, would only be 3d. in the year in the greater part of the constituencies, and 6d. in others, and the amount of money given in the counties would be larger than in the boroughs. But I suppose the blacksmith is subject to the ordinary incidents of human life, and that he has his share of children, and in that respect there is no comparison between the benefit conferred by the proposal of the Government and the one I support by my Amendment. My last objection to the proposal is that the great bulk of the money will go in all probability to the owners of the soil, and not to the occupiers. We must recognise the undoubted feeling of the Scotch people in favour of education. They are not possessed, as some others are, with any dread of over-education. They are not afraid of the children of the humbler classes being educated, as it is called, above their station. That, I believe, is at the bottom of a great deal of the resistance to the policy of free education which exists in England. But there is no trace of any such feeling among the great body of the Scotch people. We claim that primary education shall be free all along the line. The Chancellor of the Exchequer with some plausibility taunted us with lack of faith in the love of our countrymen for education. He says it is a poor compliment to pay them to say they will be deterred by the imposition of a fee from having their children educated in the higher standards. If it is said that the Scotch people, since they value education so highly, will not be deterred from continuing their children at school by the imposition of a fee, I reply that that is no argument for adding to the temptation by imposing a fee. We ought, I say, to encourage the idea that the same moral obligation rests upon the parent to send his children to school in the voluntary as in the compulsory standards. The latter standards represent merely the minimum of education which is regarded as necessary in the interests of society. But the best answer to that argument is to be found in the Report of the Scotch Education Department for this year, which complains of the very evil which the Scotch Members wish to remedy, namely, that the attendance becomes irregular the moment the voluntary or higher standards are reached. In 1888 there were 61,612 scholars in Standard V., but in 1889 there were only 28,939 in the higher standards. Now, the Scotch Members wish to remove the discouragement to parents against keeping their children at school when they reach the higher standards, by getting rid of the fees now charged. I have in my hand a letter received by my right hon. Friend the Member for Berwickshire, which puts our case very clearly. The writer, Mr. W. Alexander, head master of Leith Walk Public School, the largest Board school in Edinburgh, says that, during the past two years, the average attendance in that school has been 1,472, and the grants earned £1,543 in one year and £1,545 in the other. He continues—

"The Board do not pay us on result, but give all the teachers a fixed salary. I mention this to show that there is no self-interest in our wishing to have the upper standards made free. In my school I have 120 pupils in Standard V., and 80 in Examination 6. My experience this year has been that these standards have melted away, and will continue to disintegrate, in the course of the year, much more than in former years, and solely because no sooner do the children pass out of Standard V. than a fee is charged. Freeing the compulsory standards, a good thing in itself, has, indirectly, done harm. It has created in the minds of most parents the idea that their children have got a complete education in those standards, whereas they have only got the barest necessaries of the elements of education. The Sixth Standard and Examination 6 are the crowning of the whole. The freeing of the compulsory standards has created a gap which did not exist before, but which the freeing of the voluntary standards would have filled up and restored to the former *status quo*. The people are greatly governed by habit, and in money matters more than in most things, and this habit of paying nothing until the Sixth Standard is reached has made them indifferent to keeping the child any longer at school. The argument that the Scotch people have always valued education so much that they are willing to pay for it, is not to the point here. The conditions have been altered, and with the new condition of things, new habits are formed. Will it not be possible, even yet, to carry this proposal on Report? This is the critical year. If the Government can be got to yield, the tendency to withdraw scholars from the higher standards will be

checked in time, but if it goes on the difficulty will be all the greater when the concession is made afterwards."

This letter leaves nothing more to be said on the subject; it gives the views of a man thoroughly conversant with the practical working of the educational system. There is still another point in which this sudden interposition of a fee works harm. Under an Act passed in 1883, no child under 13 years of age can be employed in a factory or workshop. Now, there is scarcely any half-time employment in Scotland, so what occurs? Take, first, the case of a clever boy. By the time he is 10 years of age, he passes the Fifth Standard, and from that until he is 13 years old he cannot go to work, so he must either remain idle or his father must pay the fees in the higher standards. But the stupid boy who can never get beyond the Fifth Standard can remain at the school free of expense until he is 13 years old. Surely this is an inducement upon parents to keep back the education of their children. The interposition of a fee just when the child is beginning to derive the greatest benefit from education has a most evil effect from an educational point of view. The remission of the fee would, at the same time, give a large pecuniary relief to the great body of hardly-pressed working people; and on these grounds I hope it is not too late to hope that the Government will re-consider the matter. They must know that the great majority of the Scotch people are in favour of what we are asking.

Amendment proposed, in page 2, line 1, to leave out the words "a sum not exceeding 40," and insert the words "the sum of 90."—(*Mr. Campbell-Bannerman.*)

Question proposed, "That the words 'a sum not exceeding 40' stand part of the Bill."

*(6.45.) MR. BARCLAY (Forfarshire): I took but little part in the discussion when the education question was being debated in Committee, because I thought the right hon. Gentleman the Lord Advocate had very fully answered the objections made to the Government proposals on this side of the House. But now, Sir, that the question has been again raised, I crave the indulgence of the House while I endeavour to state as briefly as possible the reasons why I prefer the Government proposal and why I cannot support the Amendment of the right hon. Gentleman the Member for Stirling Burghs. We have heard very frequently in this Debate that the people of Scotland are very much in favour of education. I entirely agree with that sentiment. We are also told that they are very much in favour, not only of freeing compulsory education, but that they think the burden of education, instead of devolving to some extent on the parents as hitherto, should be entirely paid for out of taxation, either local or Imperial. Some Members have gone so far as to say that the people of Scotland are hostile to the idea of fees being paid by wealthy parents able and willing to pay. I do not profess to speak for the people of Scotland, but I may be allowed to indicate my views on the state of public opinion in that country. I have not seen in the public prints reports of meetings and discussions such as justify the statements of some hon. Members as to what public opinion there is. I think the people of Scotland are prepared to accept the principle that the fees for education in the compulsory standards should be paid out of taxation, but I do not think they are prepared to accept without further discussion and consideration the principle that the fees in the High Schools of Scotland and in the Universities should also be paid out of taxation, either local or Imperial. That is the view which I understood the Member for Stirling Burghs enunciated.

MR. CAMPBELL-BANNERMAN: I never said anything of the kind, nor did I say anything that could bear that interpretation.

*MR. BARCLAY: I understood the right hon. Gentleman to say that he and his Party were in favour of the widest diffusion of knowledge at the expense of the rates.

MR. CAMPBELL-BANNERMAN: No, not at the expense of the rates.

*MR. BARCLAY: Then the right hon. Gentleman was merely stating a platitude which hon. Members on both sides of the House are prepared to support. All the Members for Scotland are in favour of the widest diffusion of knowledge. The question which is at issue is whether that knowledge is to be paid for by the

parents of the children, or whether it is to be paid for out of taxation, either local or Imperial. If the right hon. Gentleman will say he did not mean that it should be paid for out of taxation, I do not think there is any difference between us on the point.

MR. CAMPBELL-BANNERMAN: I said nothing as to the payment out of the public money of fees, or of any other expenses in Universities, or in the case of middle-class education. I was dealing only with the fees for primary education, and I referred in my speech to the extraordinary zeal always shown by the Scotch people for the widest diffusion of knowledge, as showing that they would have no jealousy of the extension of primary education to any length we chose to go.

*MR. BARCLAY: Does the right hon. Gentleman mean to say at the public expense?

MR. CAMPBELL-BANNERMAN: For primary education, certainly.

*MR. BARCLAY: Now, there are 21 schools in my county giving primary education to the fullest extent without payment of fees, and with the additional grant proposed to be handed over, I fully believe that the whole of the schools in that county will be able to give free education. I will now deal with the proposal of the Government. During last Session a sum of £250,000 was voted for the reduction of school fees in Scotland, the method of distribution being left to be decided by the Scotch Education Department. That Department came to the conclusion that the money should be divided by means of a uniform Capitation Grant on the average school attendance. I do not see how it could have been proceeded with on different lines without inflicting great injustice on many districts. My hon. Friend the Member for North Aberdeen, who has devoted so much valuable attention to this question, asserts that the high fees which are charged in some districts are due to the action of the School Boards in saving the rates; and that those bodies, instead of levying a fair amount of rates upon the ratepayers, have chosen to exact very high school fees, and thus saved the rates. I believe the mode of distribution adopted by the Department was universally approved in Scotland and by this House. What is the new proposal the Government is now making? They find that the sum of £283,000 would, taking Scotland as a whole, pay the fees in all the compulsory standards. That is about £40,000 beyond what was previously voted, and they now propose to make this further grant of £40,000 to provide for the payment of fees in the compulsory standards. They have also undertaken to lay on the Table of the House a Minute of the Scotch Education Department providing that the money shall be distributed in the same way as the previous grant. What will be the result? In my own constituency I find that in the School Board schools there are 21 schools in which no fees whatever are charged. Our portion of the additional grant of £40,000 will be sufficient to increase the Capitation Grant to about 11s. per head, and that sum I believe will be adaquate to abolish school fees in all the schools. Therefore, we have no more to ask to have free education in Forfarshire. In addition to that, my constituency will now receive a share of the £50,000 which is to be applied in reduction of the rates. I agree with my right hon. Friend the Member for Stirling Burghs that the people of Scotland are very tolerant of taxation, that they are willing to pay when they see there is good reason for the payment, and that the money is economically and judiciously expended. But it has always been the characteristic of the people of Scotland that they have strong ideas of economy. I cannot believe that they have now lost those ideas, and that they will not avail themselves with satisfaction of this assistance which it is proposed to give in aid of local taxation. Turning now to the proposal of the right hon. Gentleman the Member for the Stirling Burghs, my right hon. Friend has referred to the Education Statistics, and has found that the total amount paid in school fees in Scotland is between £330,000 and £340,000. He says that if the Government, instead of giving the £50,000 in relief of local taxation, will hand it over for educational purposes it will be ample to give free education to Scotland, and to abolish fees altogether. But if the right hon. Gentleman is going to abolish school fees with this sum he must do it on a different principle from that which has been adopted in the distribution of money by the Education Department.

He cannot abolish school fees and distribute this money in the form of a uniform Capitation Grant. He must distribute it amongst the School Boards in proportion to the fees previously exacted. The sum at his disposition would be equal to an average Capitation Grant of 13s. But 13s. would not suffice to pay the high fees exacted in some places, such as in Glasgow, for example, where they amount to 17s. 6d. or 18s. per head. The right hon. Gentleman would have to reverse the policy of the Education Department, or the sum he would want to entirely abolish fees would amount to £450,000, instead of £340,000. He has to level up School Boards from almost nothing per scholar to 18s. He must distribute a sum of money equal to this to poor schools, before he can abolish school fees in Scotland on the principle adopted by the Education Department. In my own constituency there are 21 schools which are already without any fees, and I fully expect the additional £40,000 now voted will raise the Capitation Grant to 11s., and will enable the whole of the fees in my constituency to be abolished. But, according to the right hon. Gentleman, my constituency would receive no further amount of money; it would all go to the large constituencies, such as Glasgow and Edinburgh. The problem to solve is, how the right hon. Gentleman (Mr. Campbell-Bannerman) is going to abolish school fees throughout Scotland with this money, on the principle which has been adopted by the Education Department. I know, in my own constituency, the result would be we should get no portion of this £50,000, but it would be devoted to other parts of Scotland, in order that high school fees might be abolished. So far as my own constituency is concerned, it would deprive them of any share of this £50,000, giving it to Glasgow and Edinburgh. For these reasons I do submit that any proposal, to divide the money according to fees exacted by School Boards, which is the only way it appears to me the right hon. Gentleman can carry out his object of abolishing school fees, would be a great injustice to those parts of the country which have levied high rates and kept down fees. These are some of the reasons which induce me to prefer the proposal of the Government. My constituents, under this proposal, will have full payment of school fees, and they will have, in addition, a share in the reduction of local rates out of this £50,000. If the right hon. Gentleman can continue these benefits, and, at the same time, abolish payment of fees in Glasgow and Edinburgh, I have no objection. I shall have much pleasure in supporting the proposal of the Government.

(7.8.) The House divided:—Ayes 149; Noes 129.—(Div. List, No. 218.)

*(7.15.) Mr. C. S. PARKER (Perth): Certainly, the last Division shows that the House is not unfavourably inclined to the views of Scotch Members, and I cannot help hoping that even yet, at the last moment, the Government will not persist in the disastrous course of treating Scotland in a way altogether different from the other parts of the United Kingdom, paying no regard to the advice of her Representatives as regards the application of her share of the funds. The Government have, I think, given Scotch Members some reason to complain that after the careful speech, no one can say it was a Party speech, in which my right hon. Friend went into the educational part of the question, the Government sat in silence and allowed a Division to be taken. My right hon. Friend dealt ably with practical details, quoting opinions of experts, and I do think, under the circumstances, for the Front Bench to treat his arguments with absolute silence and contempt is—well, a course of conduct it is not easy properly to describe. I shall detain the House but a few minutes with the Amendment I now have to propose. It is perfectly simple, and I wish the House to understand how the case lies. Last year we voted £240,000 for application in Scotland to the reduction of fees, and there was a difference in two respects from the arrangement of this year; one was that School Boards were left in the position of being residuary legatees instead of being left a definite sum. The other difference is, there was no attempt made, in either the Act of Parliament or the Minute of the Education Department, which applied that Act, to run counter to the feeling in Scotland by drawing a mischievous distinction between compulsory standards and voluntary standards in the same school. It is not much to ask that we should have our

£40,000 not clogged with a condition which we say, on educational grounds, is mischievous in Scotland. I hope the House will agree to omit the words, and leave the money in the same position as the money voted last year. It is the less concession because, upon the Lord Advocate's own showing, there are only 98 schools in all Scotland where the compulsory standards are not now free. Therefore, there is this sum of £40,000 going to Scotland, and going to be distributed, as it was last year, throughout all the districts, including 3,000 schools, in which compulsory standard fees no longer exist. And yet we are to say it is only for the compulsory standards. It is most illusory that an Act of Parliament should be passed for devoting £40,000 to the compulsory standard fees, and yet we are told there are only 98 schools where the abolition has not been carried out. If the money were to go to these 98 schools, it would be an extravagant grant of £400 or more to each. But that is not what is proposed, the distribution is to be made in proportion to average attendance. For instance, in Forfar, to which the last speaker has referred, the effect will simply be that the money will go to the schools according to the number of children, and be applied as the managers think fit in improving the educational arrangements, in raising the masters' salaries, or in reducing the school rate. We are told, indeed, that these words are, in fact, inoperative. With these words in, or leaving them out, we are told, on the high authority of the legal adviser of the Government for Scotland, it will be perfectly competent and legal for a School Board to take their full share nominally for the compulsory standards, and so pass on the money they derive from the Probate Duty and from the rates to relieve the voluntary standards. Therefore, it is not a question of substance; it is a question of form, but it is misleading to the people of Scotland to put such words into the Bill, and it is the more vexatious as there are no such words in the Act of last year. I hope the Government will have the grace to make this small concession to us.

Amendment proposed, in page 2, line 1, to leave out the words "of children in the compulsory standards of the Scotch Code."—(*Mr. Charles Parker.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

(7.23.) SIR W. HARCOURT: I rise, not to argue this question, because the Government are not here to argue the question at all. During all the time that I have been in Parliament I have never seen a piece of more unexampled insolence. ["Order, order!"] unexampled insolence——

*MR. W. H. SMITH: I rise to order, Sir. I ask you, Sir, whether the right hon. Gentleman is entitled to use that term in this House?

*MR. SPEAKER: Insolence is a word which I do not think should be employed. I hope the right hon. Gentleman will not insist on the use of the word.

SIR W. HARCOURT: It is quite enough for me, Sir, that you should suggest that I should not use that word, but I will say that a method of more unexampled contempt exhibited towards opponents I have never known in Parliament. There was a speech made by my right hon. Friend the Member for Stirling Burghs which deserved an answer. It was a speech of a conciliatory character; it was following up a conciliatory Debate upon the English and Welsh Clauses; it was an appeal to the Government to act in the same spirit towards Scotland as towards England and Wales, and the Government stood by and treated it with contempt. Yes, and that spirit of contempt is approved. We are quite ready to take it up, but do not you talk to us of obstruction, when that is the spirit in which the Government act! Have we been obstructing your business to-day? Have we not been assisting you to come to an honourable and favourable settlement with the people of England and Wales? And this is the manner in which you meet us! It is a spirit of contempt to this House, as well as to your opponents. It is a spirit of contempt exhibited towards the majority of the people of Scotland, and you were punished as you deserved to be punished by the fact that in the Division you could not command one quarter of your normal majority. If that is the manner in which you choose to treat a matter of this description, all I can say is that you will be encountered by

a vehement and obstinate resistance; and a Government which chooses to handle the House of Commons in that way deserves any amount of opposition that we can offer to it.

*(7.27.) MR. W. H. SMITH: Sir, I think the House has never listened to a more extraordinary performance than that of the right hon. Gentleman the Member for Derby, and he has at times indulged in extraordinary language in this House. He has charged us with having treated the right hon. Gentleman the Member for the Stirling Burghs with contempt.

MR. CAMPBELL-BANNERMAN: Not me; I make no complaint.

*MR. W. H. SMITH: No; if the right hon. Gentleman had made any complaint he would not certainly have indulged in such language.

MR. CAMPBELL-BANNERMAN: The right hon. Gentleman imputes things to me. I make no complaint personally as to the way in which I was treated myself, but I join completely and heartily with my right hon. Friend.

*MR. W. H. SMITH: It is not in accordance with the right hon. Gentleman's usual courteous habit in this House to associate himself with such language as the right hon. Gentleman has seen fit to employ. Now, Sir, what are the facts of the case? We listened attentively to the speech of the right hon. Gentleman. It was a temperate and a moderate speech. It conveyed a large amount of information to the House, and it was treated with respect on this side of the House. The hon. Member for Forfarshire got up and made a reasoned answer to that speech. I will not say that if there had not been cries of "Divide" from the Opposition side of the House, it would not have been reasonable for the Government to give an answer to the right hon. Gentleman's speech. But the House must remember that for three days we have been discussing these questions in Committee. We have answered speech for speech with the greatest respect for hon. Gentlemen, and especially the speeches of the right hon. Gentleman the Member for Derby himself. He cannot say that he and the Scotch Members, and the arguments advanced by them, have not been treated with respect. It is true that we have not yielded to them, because we did not think it right to do so; but now we are charged with contempt, simply because at the last, when we had reason to believe that there was a strong desire on the part of the House to go to a Division, we do not repeat the arguments and statements of fact which we advanced during three nights in the Committee. If that is contempt, all I can say is, that I express the greatest regret for being guilty of it. I thought to save the time of the House, and I certainly desired to be respectful to the House; and I am sure that the right hon. Gentleman, when he returns to a cool state of mind, will feel that an exhibition such as we have had this afternoon is not calculated to raise the reputation of the House of Commons or insure for him a happier course in the responsible position which he holds on that Bench.

(7.30.) SIR G. TREVELYAN (Glasgow, Bridgeton): The right hon. Gentleman who has just sat down does not, I think, see the real gravity of the situation which so affects hon. Members on this side of the House. The right hon. Gentleman has not followed the Debate quite closely enough or he would have seen that my right hon. Friend the Member for the Stirling Burghs (Mr. Campbell-Bannerman) brought forward new matter of the very gravest importance. The most important point of all these Debates has been this: whether or not by making the compulsory standards free, and leaving the voluntary standards still to pay, you will not afford an excuse to parents to withdraw their children when they come to that point in their education where real education begins—when they have passed through the compulsory standards. The Chancellor of the Exchequer replied that there is no such danger, and that confidence ought to be placed in the Scotch parents, amongst whom there is such a feeling in favour of education that they are quite sure not to withdraw their children on account of the fees. Since the former discussions two things have happened. The Government have themselves published a Report which states that since the fees have been abolished in the lower standards children have been sent earlier to school. The deduction from that is necessarily this: that if you retain the fees for the higher standards, the children will be withdrawn earlier from school. But a

much more important thing than that has happened, which I hope will be allowed to weigh with the Government even at the eleventh hour. The best new point was the letter which my right hon. Friend read from a schoolmaster in one of the greatest schools in Edinburgh, one of the most eminent practical educationalists in Scotland. That great authority earnestly entreats Parliament and the Government to change their policy, because already the most fatal effects are occurring from the withdrawal of children from the higher standards, and because he is satisfied that, if the matter is not mended within the next year, the very gravest results will occur to Scotch education. That is the gist of the whole question we have been discussing for the last three nights. The Scottish people understand the matter thoroughly. They understand it far better than the hon. Gentlemen who come in to vote when the Division bell rings, but who were not sitting in the House during my right hon. Friend's speech. During that speech the Benches opposite were almost empty, and I am quite certain that unless that letter in which our whole case is stated is answered the result will give as much dissatisfaction to the people of Scotland as it will be fatal and ruinous to all that is characteristic in Scottish education.

(7.35.) MR. SINCLAIR (Falkirk, &c.): I am one of those who found it my duty to go against the Government in the last Division; but though that is the case, I must say that in the Lobby I heard distinct statements that it was the desire of those opposed to the Government on the Opposition side of the House to have an early Division, and I think that entirely corroborates the statement of the leader of the House that it was courtesy to those who opposed the Government to at once——

*MR. SPEAKER: Order, order! I am bound to say that the particular Amendment before the House is being lost sight of, and I hope the hon. Gentleman will not pursue the subject further. A particular statement has been made and answered, and I think the House ought now to pursue the particular matter of the Amendment.

MR. SINCLAIR: I will do so, Sir. I think the answer to the Member for Bridgeton is this: It is in the knowledge of the House that the whole question of education in relation to Scotland will have to be re-considered by the Government. When that takes place, the amount now devoted to Scottish education will be necessarily released from its present particular allotment, and then we may fairly claim that the Government will see that the desire of the people of Scotland to have all the standards free shall be given effect to.

*(7.40.) THE SOLICITOR GENERAL FOR SCOTLAND (Mr. M. T. STORMONTH DARLING, Edinburgh and St. Andrews Universities): The precise Amendment under the consideration of the House is whether the words "in the compulsory standards of the Scotch Code" are to remain or are to be omitted, and that Amendment must be viewed, in my opinion, in connection with the decision the House arrived at a few minutes ago, which was that the sum to be allotted for the purpose in view shall be £40,000. That being so, the only practical question is not whether more can be done for freeing education than is proposed by the Government, but whether the retention of the words "in the compulsory standards of the Scotch Code" can possibly do any harm. It was said by the right hon. Gentleman the Member for the Bridgeton Division that an important new fact has arisen in the shape of the Annual Report of the Scottish Education Department, but the right hon. Gentleman can hardly have noticed that the Report deals with the period before free education was introduced in Scotland. It only comes down to September, 1889.

SIR GEORGE TREVELYAN: I think the Solicitor General is mistaken. [The right hon. Gentleman handed a copy of the Report across the Table.]

*MR. M. T. STORMONTH DARLING (after examining the extract): It may be that I have made a mistake, and, if so, I am sorry that I have made it; but the statistics in the Report only come down to the date I have mentioned, and therefore nothing is actually known of the working of free education. Accordingly, it is too soon to dogmatise as to the results of that change. But the right hon. Gentleman referred to a letter from an educational authority in Leith. I should have thought, looking at the right hon. Gentleman to whom it was addressed

that the writer was not altogether unacquainted with political subjects, and that impression was confirmed by the fact that the writer seemed to be correctly informed as to the rules of Parliamentary procedure, because he refers to the Report stage of this Bill. I have no doubt that the views of the writer of the letter reflect a certain apprehension in the minds of some teachers that the imposition of fees beyond the compulsory standards may have the effect of discouraging attendance beyond the compulsory standards; but it is too soon to judge of that, and again I would ask the House to come back to the real question—Will the retention of those words do any possible harm to education? Last year a grant of £250,000 was confessedly made for the purpose solely of freeing the compulsory standards; and when the Minute of the Education Department came to be framed, it was framed not on the footing of dictating to the School Boards what they were to do, but of merely making it a condition of the receipt of the money that they should free the first three standards and provide a certain number of free places in the Fourth and Fifth Standards. That is exactly what will be done in the new Minute; that is to say, the new Minute will do nothing more than require as a condition the freeing of the compulsory standards. But the School Boards, who are best able to judge of the matter, are perfectly free to act as they may think fit; if they choose to put the money into their pockets because they do not require it, they may do so. If they choose to improve the facilities and appliances for education, they may do that. If they choose to free more than the compulsory standards, they may do that. All that Parliament says is, that as a condition of receiving this money they must free the compulsory standards.

*MR. C. S. PARKER: What is the meaning of putting in these words, then?

*MR. M. T. STORMONTH DARLING: The meaning is nothing more than the meaning of last year, when the same or corresponding words were put into the Minute. Therefore, the Member for Perth has failed entirely to show that the retention of the words can have any possible effect in tying the hands of the School Boards. The House may rest assured that the meaning is that Parliament requires the freeing of the compulsory standards, and does not seek to go further. The reason of that I take to be that free education is as yet in a tentative stage, and that we shall be in a better position in a few years to judge of its operation, and then to decide whether it is desirable to go further.

(7.46.) SIR L. PLAYFAIR (Leeds, S.): I desire to say a few words before the Division is taken, because I think the right hon. Gentleman does not understand the position we take up as to these words. It has been shown that there are only 98 schools which can use this £40,000 to free the compulsory standards. What is to become of the surplus? You say you are going to leave the School Boards free to use the money as they like, but to leave the School Boards to do as they like with the money is utterly inconsistent with the words you are putting into the Act of Parliament. You put into the Act words declaring that the money shall only be used for the compulsory standards, and you confirm that by a Minute of the Education Department. The position in which the Government have put this matter is most ludicrous, and why they do not seek to get it out of such a position I cannot understand. I cannot agree with the hon. and learned Gentleman that these words will do no harm. They will fetter the County Councils. They are inconsistent with the declarations of the Government, and under these circumstances I hope the Government will accept the Amendment, and thus escape from a paradoxical position.

(7.48.) MR. HUNTER (Aberdeen, N.): There is still something mysterious about this matter that has not been explained. No one who applies the words of the clause to the existing state of things in Scotland can understand them—everyone who tries to do so gets deeper and deeper in difficulty. This sum is to be applied in relief of fees of children in the compulsory standards of the Scotch Code. Will the House believe the manner in which this £40,000 is to be distributed? There are 2,981 schools in Scotland in which all the compulsory standards are already free, and these schools will absorb more than

£38,000 of the £40,000. The position of the Government is, therefore, absurd, because they profess to give the money to free the compulsory standards, when, with the exception of 98 schools, which cannot absorb £2,000, all the schools in Scotland are already free in the five compulsory standards. But there is this other point. The Lord Advocate and the Solicitor General for Scotland to-night have said in a somewhat airy and indecisive fashion that they know perfectly well that the bulk of these schools in Scotland cannot use the money for this ostensible purpose, but that it can be used to reduce fees in the higher standards or to reduce the rates. But there is another class of schools which share in this grant, namely, the voluntary schools. Under this grant 466 voluntary schools will be entitled to a share of this £40,000, and in round numbers these will absorb £6,000. Each and every one of these voluntary schools has already freed all the five compulsory standards, and, therefore, the money will have to be applied either to the compulsory standards, which are already provided for, or to the higher standards. The whole of the voluntary contributions in Scotland do not exceed £28,000 a year. Under this clause of the Bill it will be in the power of the managers of voluntary schools to take £6,000 and apply it to the reduction of the infinitesimal subscriptions now obtained by these schools. A more monstrous use of public money was never heard of. This £40,000 increases the 10s. grant of last year to 11s. 6d. All that is necessary now is that this grant should be supplemented by a sum that will give 1s. 6d. per annum additional. The Government have debated this question as if it were possible to draw distinctions between standards in the Scotch system. It is absolutely impossible, because the Government have distributed this money on the principle of a capitation grant. Unless the fees for all the standards were uniform it is impossible that the capitation grant could agree with the actual division into standards. Before the last Division we were asked how provision could be made for the abolition of fees in all schools. Why, simply in the manner the Government have already provided. The only difference would be that the grant would be made on condition that the school authority abolished all fees in the schools. I really hope the Government will explain why they find something sacred in 11s. 6d. and something wicked in 13s. It was contended by the right hon. Gentleman the Lord Advocate that the total sum of £283,000 corresponded with the total sum charged in the five lower standards. That must be an entire error. The sum you now place at the disposal of the School Authorities in Scotland is equal to freeing entirely 450,000 of the average attendance, whereas 420,000 represents the attendance in the five standards. Now, why on earth were these words put into this clause? They were not in the clause last year, and they have no relation to the existing state of facts in Scotland. They are put in with the sole purpose of setting the plain meaning of the clause at absolute defiance.

(7.54.) DR. CLARK (Caithness): We have a curious condition of things in some parts of the northern counties. In some parishes of Ross-shire, where there are deer forests and large farms, there is a 2d. rate, and I am afraid the School Board in some of such parishes will require to dine in order to get rid of this money. I am very sorry the Government are so obstinate on this question. We are only fighting for the old use and wont in Scotland. We want a condition of things in which all the classes of elementary education will be free, as they were before the old system John Knox established was modified in the interests of the landlords. What the Government want to do is to vote a large sum to the landlords by whom the principal rates in all the counties are paid.

(7.58.) The House divided:—Ayes, 127; Noes 104.—(Div. List, No. 219.)

*(8.10.) MR. C. S. PARKER: The next Amendment which stands in my name was intended simply as an alternative in case the Government, instead of giving a definite sum, preferred to give the residue. Having regard to the result of the Division the House has just taken, it is not my intention to press the Amendment.

*(8.11.) MR. BRYCE: I rise to move an Amendment which I hope the Government will be able to see their way to accept. We want to have the extinction of fees in elementary schools com-

pleted. That is what we have urgently pressed for, but if we cannot get that I think it is fair that the Government should at least consent to let us do for Scotland what they have agreed to do for England. I propose, therefore, to add words to the end of the clause empowering the Councils of Counties and Burghs and Commissioners of the Police Burghs to make contributions for the purpose of technical education, as already provided in the case of England and Wales. The Amendment I have to propose is exactly the same as that already adopted by the House, *mutatis mutandis*, and it leaves the making of contributions purely optional with the Local Authority.

Amendment proposed, at the end of Clause 2, to insert the words—

"Provided, nevertheless, that the Council of any such county or burgh, and the Commissioners of any such Police Burgh may contribute any sum received by such county or Commissioners, as the case may be, with respect to the said residue or any part of that sum, for the purposes of technical, including agricultural and commercial education, within the meaning of the Technical Schools (Scotland) Act, 1887, and may make that contribution over and above any sum that may be paid out of any school fund under that Act, whether or not any such sum has been paid out of such fund."—(*Mr. Bryce.*)

Question proposed, "That those words be there inserted."

*(8.13.) Mr. W. H. SMITH: The Government have no objection to this Amendment of the Bill, which gives to the Scotch County Councils precisely the same powers which the English County Councils have received. It is possible it may be necessary to amend the precise words; if so, the Amendment can be made in another place.

Question put, and agreed to.

(8.14.) The CHIEF SECRETARY for IRELAND (Mr. A. J. Balfour, Manchester, E.): The House, or those who were present, will recollect that the other day the hon. Member for West Belfast (Mr. Sexton) suggested certain Amendments with regard to model schools in Ireland. The Amendments were not on the Paper, and, therefore, I had not time to consider them, but I have had time since; and I think his view will be carried out by adopting a certain number of Amendments, chiefly consequential Amendments, the first of which occurs in page 2, line 38. I have to move to leave out there the words "excluding model schools." If that is not done those Unions in which there are model schools will get less than their fair share of the money. I propose that the money shall be distributed according to the number of scholars. I propose to leave Sub-section A substantially as it is now, though there will be some verbal alterations made. With regard to Sub-section B, I propose to move to leave out the words "not being model schools," because those words would practically deprive contributory Unions that come under the Act of 1875 of their fair share of the money. I have other Amendments of a somewhat different character to Sub-section D, which are intended to carry out more completely the view expressed by the hon. Member for West Belfast, and were accepted by the Government the day before yesterday. I beg to move the omission of the words "excluding model schools."

Amendment proposed, in page 2, lines 38 and 39, to omit the words "excluding model schools."—(*Mr. A. J. Balfour.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

(8.15.) Mr. SEXTON (Belfast, W.): The meaning of the right hon. Gentleman is, no doubt, clear to his own mind, but it is not clear to mine. Of course, the first operation of the clause will be that you must take the whole number of children attending the schools and divide it into the gross amount of the grant in order to obtain the capitation rate. If the children attending the model schools are left out, of course, the Capitation Grant will be higher. Then, with regard to Sub-section A, I understand the right hon. Gentleman agrees to leave it substantially as it is [Mr. A. J. Balfour: Hear, hear!] and that I take to mean this. But in cases of contributory Unions that come under the Act of 1875 the Board of Guardians are bound to contribute to every school in the Union, model or otherwise [Mr. A. J. Balfour: Hear, hear!] as much as will make up the local aid. I confess, in that case, as the principle of the Act is to recoup the Union, it would not be possible to recoup the Union unless the model schools are excluded.

(8.17.) MR. A. J. BALFOUR: I will just explain the point. What I meant was this: Take a Union in which there are a thousand children, two hundred of whom attend the model school. You only give this contribution in respect of the number of children who attend the ordinary schools.

(8.19.) MR. SEXTON: I understand that the £78,000 is to be divided in respect of the 500,000 children attending ordinary national schools. If we add the model school children the effect will be that the grant for the individual child all over Ireland will be diminished. At any rate the operation will be infinitessimal, and I do not think it worth while to press the point.

Question put, and agreed to.

Amendment proposed, in page 3, line 5, to leave out the word "such."—(*Mr. A. J. Balfour.*)

Question, "That the word 'such' stand part of the Clause," put, and negatived.

Amendment proposed, in page 3, line 5, to leave out from the word "not," in in line 5, to the word "school," in line 6, inclusive.—(*Mr. A. J. Balfour.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. SEXTON: I think it well the right hon. Gentleman should explain by what means he proposes to accomplish the end I suggested by the insertion of these words.

(8.20.) MR. A. J. BALFOUR: Perhaps it would be convenient to the House if I read the section as it will stand after the Amendments I suggest. The section will read—

"In the case of every national school in a Union which is not a contributory Union, shall be paid for the benefit of schools which are not model schools, as an addition to the local contributions to, or in respect of, such schools, within the financial year fixed by the last mentioned rules; and"

I admit that it does not read very smoothly, but, at the same time, I think it is perfectly clear, and explicitly carries out the views which the hon. Member for Belfast embodied in the Amendments he laid before the House the other day.

MR. SEXTON: Yes, the object is clear; but there is a hopeless infirmity about the grammar.

Question put, and agreed to.

Consequential Amendments made.

Bill to be read the third time to-morrow.

SUPPLY — REVENUE DEPARTMENTS.

Considered in Committee.

(In the Committee.)

Motion made, and Question proposed, "That a sum, not exceeding £1,583,845 (including a Supplementary sum of £50,000), be granted to Her Majesty to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1891, for the Salaries and Working Expenses of the Post Office Telegraph Service."

(8.25.) MR. LLEWELLYN (Somerset, N.): I desire to ask the Postmaster General to consider a matter of some importance to rural districts: it relates to cases in which private individuals have agreed to guarantee certain sums for seven years in order that postal telegraph offices may be established in certain places. My contention is not so much that the money required is too much, though in a great number of cases I think it is excessive, but that the guarantee has to be given for seven years. I complain that, although in the first two years the guarantors may be called upon to make good a deficiency, say, of £10, it is possible that in the succeeding years there may be a profit of £20 a year, and that in such a case the money previously paid is not refunded. The effect of this is a check upon local enterprise. It is especially hard that one or two individuals who are inclined for the benefit of the neighbourhood to introduce the telegraph should be mulcted in a substantial sum of money. It is of great importance that out-of-the-way places should be brought into communication by means of the telegraph. I think the least the Postmaster General can do is to consider what can be done, guarding himself, of course, against loss. My chief objection is the deterrent that the system is to local enterprise. I know more than one case where the guarantors have been out of pocket, although they have been the means of earning considerable revenue for the Department.

(8.30.) MR. ANGUS SUTHERLAND (Sutherland): I wish to say a

word or two in a similar spirit to that which animated the remarks of the hon. Member opposite. A similar state of things exists in Scotland in many districts to which the extension of the telegraph system is necessary for the development of the local trade and industry. I am perfectly well aware, from information the Postmaster General has given me, that the obstacle to telegraphic extension and any change in the present system comes rather from the Treasury than from his own Department. As regards extension in the Highlands of Scotland, provision was made giving power to the Government to provide themselves with a guarantee from the surplus fund derived from the branding of herrings; but now I understand that fund is exhausted, and so extension of the telegraphic system in the Highlands is not going on. I suppose the right hon. Gentleman will still tell me that the Rules of the Treasury preclude extensions in the absence of adequate local guarantees; but I hope he will bring his influence to bear to obtain some relaxation of Rules which, by preventing these extensions, check the development of trade in the fishery districts and elsewhere.

(8.32.) MR. ARTHUR WILLIAMS (Glamorgan, S.): I quite agree with what has been urged by the hon. Gentleman opposite that these Treasury Rules often prevent the earning of revenue by extensions of the telegraphic system. It is, I think, a poor and mean policy for a great Government Department to pursue to exact these local guarantees out of which ultimately a profitable branch of the Post Office business arises. It is not the way in which such a business should be managed.

(8.35.) THE POSTMASTER GENERAL (Mr. RAIKES, Cambridge University): I do not know that I can say very much in addition to what I have said in former years upon this question. The complaint made by my hon. Friend the Member for North Somerset (Mr. Llewellyn) certainly deserves consideration. The position which I understand him to take up is this: that in places where a guarantee is given for seven years, and where the guarantors have to make good the deficiency in revenue for one, two, or three years, when the Telegraph Office comes to be more than self-supporting, the guarantors should have some claim on a portion of the profit which is earned. I confess I think he has made out something of a case. I am not prepared to say that this view will be accepted absolutely by the Treasury; but, at all events, I do not think it can be denied that there is something of a hardship if public-spirited gentlemen living in a locality put their hands in their pockets to support the telegraph for the convenience of themselves and their neighbours find that, while they have protected the Government against loss, the Government, by the force of the guarantee, make a profit in which they have no share. The case, as fairly stated by my hon. Friend, is more of a Treasury than a Post Office question, and the Treasury, as is well known, are governed by rules which experience has shown are advantageous to the public service, and which, of course, it is not in my power to call upon the Treasury to relax. At the same time I am bound to say I think the hon. Member has done good service in calling attention to the subject, and I will not lose sight of it, and if the system by which the Treasury balances its accounts will allow of some change being made in this direction, I shall be glad to find myself in a position to announce such an alteration. The hon. Member for Sutherland takes rather a different line and a very natural line, considering the constituency he represents. The distant parts of the Highlands, of course, are not in a position to support their own telegraphs; they are not in a position to guarantee a revenue from their own telegraph stations; yet in many cases the existence of a telegraph station in one of these out-of-the-way places is almost indispensable for the prosperity of the locality. This subject was brought under my notice two years ago by the right hon. Member for West Birmingham, who took an active interest in it, and who pressed on the Government the importance of dispensing with the guarantee usually required in view of the absolute necessity for a telegraph station in a locality where the people are unable to pay for the advantage. For instance, the right hon. Gentleman referred to fishing stations, where it is a matter of the utmost

importance, when there happens to be a great catch of fish, to communicate with fish-curers and others that the fish may be at once dealt with. This principle, I think I may say, has been accepted in a modified degree by the Government. I have had the fortune to extend to several places, particularly in the West and North-West Highlands, telegraph stations outside the strict Treasury rule. I have no doubt that other stations think they have an equal claim on the benevolence of the State. Everything, however, cannot be done at once, and I must content myself by saying that I shall have great pleasure in continuing to administer the policy which has been followed in this respect, and of seeing what amount of assistance can be rendered out of the Post Office surplus in instances where a good case can be made out for giving telegraphic facilities, even where a guarantee is not forthcoming. But I must remind hon. Members that the Post Office surplus is not derived from the telegraphic branch. It is hardly, I think, a just claim that the surplus from the Post Office branch of the Department should be used to provide telegraphic facilities. They are separate Services though under one administration. I am always anxious to extend telegraphic facilities, and I am disposed to think that, at the present time, rather too hard a bargain is made with guarantors. I hope I may be able during the recess to make some arrangement by which, to some extent, the objections which have been raised may be met, and the Department present itself to the public in a more liberal spirit.

(8.40.) MR. ARTHUR WILLIAMS: I am very glad to have this assurance. Without going into the question of policy, I do not hesitate to say the Department may be managed in a thoroughly commercial spirit without exacting these payments from guarantors.

*(8.45.) EARL COMPTON (York, W.R., Barnsley): In the form of a reduction of the Vote by £150, I have to bring forward a subject of great interest to the general public. During the discussion on the Post Office Estimates, I confess I was rather amused at one remark from the Postmaster General in regard to myself. I had sat quite silent during the discussion, and I do not know why the right hon. Gentleman suddenly addressed me, and said he excluded me from the disapproval he was expressing in very decided terms of certain fiery orators who had been doing something wrong. I accept his kind exemption, and certainly I cannot blame myself for any fiery oratorical interference in matters in which telegraphists have been concerned. If there has been any fiery feeling in the Department during the last few months it certainly has not been incited by myself, but has rather been due to the action of the right hon. Gentleman himself. The case of the telegraphists and the Telegraph Department is entirely different to the case of the Post Office *employés* which was discussed the other day. Both sections have reason to complain, but after that similarity ceases. As regards the agitation among the telegraphists there has been, I understand and believe, no intervention of political or paid agitators. The *employés* of the Postmaster General in the Telegraph Department have managed their case for themselves. In the case of the postmen, I believe an outsider has been appointed Secretary, and with that I do not concern myself now, but as regards the telegraphists, they appointed two of their own number as Secretaries, and I believe in all the action they have taken since I began to interest myself in their affairs, they have acted in a perfectly constitutional, and, more than that, in an extremely moderate manner. I know there was an exception lately as regards their behaviour, and that I will bring before the Committee before I conclude my remarks. I wish to point out to the Postmaster General that the course I am taking now is made imperatively necessary because of the evasive answers given from time to time, and in spite of the strong hints from the right hon. Gentleman and the First Lord of the Treasury that the interference of third persons was not at all desirable between the heads of Departments and those under them. But, unless there is some interference, I do not see how the public can be made aware of what is going on in what is, after all, a public Department. Those who are serving under the Postmaster General at the moment are not his servants in any sense whatever; they are the servants of

the public, and the public have a right to make remarks in regard to the manner in which their servants are treated, and we have a right to bring any complaints of these servants before this House. We have a right and a duty in the matter. If a public man, who aspires to do the duties attaching to his position, is made aware that the servants of a great State Department are not being treated as he considers fairly, it is the duty of that public man to take the opportunity of bringing the case of these public servants before the House of Commons and the country. I am very much afraid that, in all these matters, the Postmaster General has been rather led away by that fatal sentiment so often expressed from the Government Bench in favour of "firm and resolute government." In my opinion, firmness and resolution are splendid qualities, administered in a proper manner, and with due regard to the complaints and grievances which are brought before the man who, by accident, at the moment, happens to be at the head of the Department. But when firmness and resolution have been exercised for four years the *employés* in a great State Department are found to be in a state of discontent, amounting almost to insubordination. Firmness may mean petty tyranny, and resoluteness may mean oppression. The man who shows firmness and resolution is he who attacks discontent at the time it first shows itself, and tries his best to remove the cause, if the discontent is just, as, in this case, I believe it is. Before I proceed further let me say I am glad the Postmaster General has acknowledged that this is not a case in which agitators and agitation have bred discontent; it is discontent which has bred the agitation. Also, I should like to say that in any remarks I make I entirely absolve the officials of the Telegraph Department, and I am sure the Postmaster General will be glad to hear me say that it is particularly owing to the great tact shown by Sir Arthur Blackwood that matters have not been more serious than they have been during the last few months. I will endeavour shortly to show the Committee how, in my opinion, the discontent which had long given evidence of its existence, ought to have been taken in hand long ago. Last year I asked questions on the subject, and I must say, with frankness, that I received evasive replies. We can well understand how men having a grievance, and seeing questions have been asked in respect to their complaints, and direct answers avoided have their feeling of grievance intensified. Then I gave notice last year to the Postmaster General, through the mouth of an hon. Friend, that I would bring forward this matter by Motion this year. I gave a careful examination to all the details, and collected as much evidence as I could from all sides, and I can honestly say that there has been absolutely nothing whatever of a political nature in any action I have taken. I am told that the majority of those men employed in Post Office and Telegraph Departments differ from me in politics, but of course that would have no influence with me in taking up their case. Let me also say that I have been extremely careful not to put myself in the wrong, not to damage the case of these men which I bring forward by engaging in any heated controversy. I have endeavoured to keep the case out of this. I was once asked to attend a meeting on the subject, and I said immediately I believed it was against the regulations for anyone, even a Member of Parliament, to take the chair. I believe it is the rule, absurd though I think it is, and I declined to attend the meeting. When it came to my knowledge, through the daily Press, that there was a chance of something like a strike—or it could scarcely be called that—at any rate, of a little bother, trouble, and difficulty in the Central Telegraph Department, I wrote to those whom I knew, begging them to use influence to restrain their colleagues, and giving my strongest advice not to pursue such a course, because, in my opinion, it would put them in the wrong before the House of Commons and the country. I mention this as regards myself, as I wish it to be clearly understood that I have been actuated by motives to secure redress of grievances simply, and have no political or other objects to serve. The proper mode of proceeding, I understand, for public servants to take if they have any grievances and wish to obtain redress, is to petition the official heads of the Department. Now, the telegraphists most properly observed this

Regulation, and carried it out. For years they have addressed the Postmaster General and other officials in the most respectful manner, and I believe Petitions have been sent during a number of years, but, of course, at the present moment I shall only speak of the years during which the present Postmaster General has held office. I have here a list of Petitions, but I do not intend to go through the whole list, but I only wish to show why it is that I now appeal from the Postmaster General to the House. In 1886, there was a Petition, which was answered by the Postmaster General, from the second class clerks. In 1887 there was a Petition from the male staff, which was answered by the Controller. Then I find in the same year, there was a Petition from the female staff to the Postmaster General, and that, I believe, was never answered. There was a question asked in this House by Lord Charles Beresford, who, as a Naval man, is naturally a champion of the fair sex, and the noble Lord received an answer in this House, and that, I believe, was the only reply the female staff received to their Petition. Then the male staff petitioned again in January, 1888, and received no answer, and again a question was asked and answered here. In December, 1888, some members of the Telegraph Department asked whether they might lay their case before the Treasury, and were told by the Postmaster General that he was the supreme authority for officers of the Department. Exactly, but why did the Postmaster General not even give an answer to some of these Petitions? Perhaps he may say that he received so many that he could not answer them all. But does the right hon. Gentleman not understand how the feelings of discontent and irritation increase when men find their representations, made in the regular and proper way, are met with neglect and silent contempt? Now, let me say, that on the last occasion when I brought this matter before the Postmaster General, I was astonished at the reply he made, that the full statement of the grievances complained of had not been brought before him. I do not bring this forward as a grievance, but only to show how it is that these clerks have found that their cases were not receiving much attention at the hands of the Postmaster General. The right hon. Gentleman said he could hardly understand how I could reconcile it with my duty to bring forward the Motion without having previously given the Department an opportunity of investigating the grievance. But it has been the case, over and over again, since the right hon. Gentleman has held office, that representations from the servants of the Department have not even been answered. I must say I have noticed at the same time a strange difference between the report of the right hon. Gentleman's answer as appearing in *Hansard* and the report which appeared in the *Times*. I am quoting the former, but I should have preferred to have quoted the latter. There are certain additions in *Hansard* which I, personally, have no recollection of, and the passages in the *Times* are a great deal more forcible than those which appear in *Hansard*. I do not know what the custom is among Members generally as regards the alteration of speeches for *Hansard*; personally I always preserve the sense, though I may try here and there to make the language a little better than I may have used in the course of a long speech. Now, with regard to the statement which the telegraphists drew up, the right hon. Gentleman said that a printed pamphlet purporting to present the case of the telegraphists was said to have been brought under the notice of the Royal Commission on Civil Servants.

"Will it be believed," he proceeded, "that the first opportunity I have had of seeing that statement was this very morning, when it reached me through the post. I had been unable before to obtain a copy."

Then *Hansard* goes on to make the right hon. Gentleman to say there was no proof of the statement that the document was laid before the Royal Commission, and certainly they had expressed no opinion on it; whereas the words in the *Times* report, and which I heard, were that there was no truth in the statement that the Royal Commission received it. It is these declarations on the part of the Postmaster General which have been causing irritation in the Telegraph Department. A letter was sent in the ordinary and proper way by certain telegraphists on September 12th, 1887, asking the Controller to

appoint a day on which he would receive the statement which was to be presented to the Royal Commission. The statement which the telegraphists drew up was received and retained by the Secretary, or Controller, and was ultimately handed back, presumably after having been seen by the Postmaster General. The right hon. Gentleman shakes his head, but seeing it is a fact that it was handed to the Secretary or Controller, and was given back to the men, is the right hon. Gentleman justified in saying he never had a chance of seeing it? In returning it the Secretary said that the telegraphists were at liberty themselves to send the statement to the Royal Commission; yet the right hon. Gentleman enters the House and states he had no knowledge of it.

MR. RAIKES: Certainly.

*EARL COMPTON: The right hon. Gentleman says, Certainly. But these are the very matters which have caused the irritation. Why was the Postmaster General unaware of the statement? Of course, if the right hon. Gentleman was able to say he had not been told about the statement, and that, therefore, he was able to come to the House and say he had no knowledge of it, then we shall understand the kind of machinery at work in the Post Office, and also why there are so many people discontented in that particular Department. The right hon. Gentleman has brought forward a scheme to remedy some of the just grievances of the men. Let me say that that scheme is infinitely better than I expected, considering the huge financial difficulties. Those who have interested themselves in the matter ought to say frankly that the right hon. Gentleman has done as much as could be expected at present, although, in some points, it may be desirable to alter the scheme. Another great cause of discontent has reference to the right of the servants in the Post Office and Telegraph Office to meet and discuss matters without the presence of a reporter. So far as I am aware, there is no great objection on the part of a large majority of the civil servants to a reporter always attending at their meetings. Probably it would be rather disagreeable for the Postmaster General to read the transcript of the shorthand notes, as he might come across remarks not very flattering to himself.

Earl Compton

A good deal of attention has been drawn to the Circular of the April 19th, on this matter, but very little has been said as to that of May 21st, which shows that the Post Office authorities felt they had gone a little too far, for they desired to make it understood that there was no desire to interfere with purely social gatherings, and suggested that notices of meetings should state the object, and should notify if the promoters were prepared to assent to conditions which would make it unnecessary for a shorthand writer to attend. I wonder if the Postmaster General had in view meetings of the Primrose League, when he issued that second Circular. I believe the chief objection is not to the presence of the reporter so much as that the reporter is always accompanied by somebody else. I want to know whether anyone has the authority or order of the Postmaster General, besides the reporter, to attend in order to take down the names of the speakers and report as regards the meeting. I submit it would be a wise thing for the Government to take this question in hand, and allow the Civil servants to meet, so long as they behave themselves, without interference in any way whatever. I hope the right hon. Gentleman, before the Division on this Vote is taken, will give us more satisfactory assurances on this point. And now as to the question of overtime. I suppose the Postmaster General will agree with me it is not well that the servants of any public Department should be overworked. I wish to know whether it is true that any men in the service of the State have worked at night for 11 consecutive hours, and have, after an interval of four hours, resumed work. I have been told that lately men have been working for 14 and 15 hours a day, with one half-hour's rest a day. If that is true I consider the State at the present moment ought to stand in no better position, in the eyes of the public, than one of the sweaters about whom we have heard so much in the course of the inquiry by the Royal Commission on Sweating. Again, I want to know whether overtime is going on in the Post Office as it used to do. It is said that this labour is voluntary; but if the men refuse to perform this voluntary work they will be punished. It is a perfect absurdity to imagine that there is anything voluntary in it. You will always find a cer-

tain number of men ready to work overtime for the sake of the money they get. Perhaps the right hon. Gentleman will promise to lay on the Table a distinct account of the amount of work performed by the members of the Telegraph Service and the Post Office. I would also ask the right hon. Gentleman to make a statement regarding the scale of pay of the superior officers. He knew that at the present moment only three of the large centres had been touched.

MR. RAIKES: Six.

*EARL COMPTON: There were only three a week ago. Those who are waiting will only get the benefit when the adjustment comes into force; but why is not the pay of all of them increased on the same day? Then, what did the new scheme of the Postmaster General do as regards the maximum sum? There was a first-class maximum up to £190. I understand that the right hon. Gentleman means to do away with the senior class, and make his first class a class of what are called supervisors. The consequence will be that the vast majority of the men who entered the Service with the hope of rising to a maximum of £190 will, under the new regulations, only be able to rise to £160. So far as I understand it, the Postmaster General has rather gone back on Mr. Fawcett's scheme on this point. I now propose to give the House a short account of what has been the result of the discontent in the Telegraph Department. A telegraphist who managed a private wire was introduced into the Department at a moment when the discontent had almost broken out, and the men feared that a lot of strangers were to be imported in order that their own services might be dispensed with. It was very much like applying a lighted match to a cask of gunpowder. When duty was over a few of the men waited for this telegraphist —a man named Henderson—to come out. No doubt they behaved extremely badly, for they hustled him. Two or three of the telegraphists, however, interfered and got him away quietly. The Postmaster General instituted an inquiry into the matter, and 192 men have been cut out from all the advantages of the new scheme owing to this occurrence. I have a letter written by one who was looking on all the time, and whose testimony I can believe. He took no part in the hustling. I do not think it wise to give his name, because it might get him into trouble. It appears that the row took place two or three minutes past 4 o'clock, at which hour a good many men go away. In fact, a good many who had gone away were punished for what took place in their absence. The outsider Henderson came downstairs, and then there arose cries of "blackleg." Henderson was hustled, but no one struck him or spat upon him. He was not seriously hurt, but only hustled badly; and in proof of that I may mention that the man's "top hat" was unruffled and smooth. If the row had been serious, if the man had been struck or spat upon, his hat would probably have been the first thing to suffer. So far as I can see, there has been a little exaggeration as to what took place. But how can the right hon. Gentleman expect any of these men to prove themselves innocent. Some of the 192 men who have been punished must be innocent, as only six or seven hustled actively. I should like to know whether, during the inquiry, any of the 192 were proved innocent, and, if so, whether they will be reinstated as regards the scale of pay to which they were entitled before the disturbance. The Postmaster General has had a great deal of trouble, but I think I may say with candour that it is partly owing to the attitude the right hon. Gentleman has himself assumed. If he had shown more sympathy with those under him there would probably not have been so much disturbance and discontent. He has now a great opportunity, by being merciful to those whom he has punished, of reinstating himself in the affections of those over whom he is placed. I think he must admit that there have been errors on both sides. There would not have been all this discontent had he taken these matters in hand in his first year of office instead of in his fourth. I think, too, he will admit that the conduct of the telegraphists has, on the whole, been most praiseworthy, and surely his best course now is to let bygones be bygones. Let him replace the men who are now suffering punishment, and see if his scheme, when it has had a fair trial, will not produce a better and healthier condition of affairs in the Department. If the right hon. Gentleman could only

see his way to some relaxation of the rules such as has been pointed out, I feel certain that he would give pleasure to a large number of the general public who have been watching most anxiously the case of the telegraphists, while he will also have a great opportunity of re-instating himself in the affections of those over whom he is placed. I beg to move the reduction of the Vote in the sum of £150.

Motion made, and Question proposed, "That Item A (Salaries), be reduced by £150, part of the Salary of the Postmaster General."—(*Earl Compton.*)

*(9.31.) SIR E. J. REED (Cardiff): I have thought it might be convenient to the Committee if I were to avail myself of the opportunity afforded by the Motion of the noble Lord to bring forward a case which I have had in my mind for some months past. I am very sorry to have to make a complaint, because I am bound to say that personally, in connection with the town I represent, which makes not only numerous but almost continual demands on the attention of the Postmaster General, I have always received from him the most prompt and courteous consideration. Moreover, I happen to know that the Postmaster General is detained in this House at a time when he ought to be elsewhere, and I am, therefore, sorry to be obliged to add in any degree to the trouble he is put to and to delay his departure. Although it is so late in the Session, I feel it necessary to occupy the time of the Committee for a few moments while I lay before it the Cardiff telegraph case. If the treatment of other Members of the Civil Service is to be the same as has been meted out to certain gentlemen on the staff of the Cardiff Telegraph Office, I have no hesitation in saying that they might as well belong to the Civil Service of Russia as to the Civil Service of England. This matter came to my knowledge in an accidental manner, and I will endeavour to state the facts as they arose. I heard that certain gentlemen belonging to the Cardiff Telegraph Staff were suddenly and peremptorily ordered away from their homes to other towns. So short was the notice given to them that it amounted in one case to less than a day, and the gentlemen who have been so punished are men against whom not only has no offence been proved, but against whom no offence or charge has been even alleged. What happened was this: Owing to the enormous growth of Cardiff in recent years, the Telegraph Department of the town, like other Departments, had fallen behind the demands made upon it. The growth of telegraphic business at Cardiff was unexampled in Great Britain, and that except in the United States there is nothing analogous to it. As an illustration of the rapidity of the growth of Cardiff, I may state that whereas in 1876 the rateable value of the town was £260,000, it is now £744,000, so that it has increased threefold during that period. It is not unnatural that the Telegraph Service should fail to keep pace with the demands of the town, but the complaints of the commercial classes in the town were such that last August I was compelled to address a letter to the Postmaster General on the subject. The staff at the Telegraph Office had been enormously overworked, and the public complained that boys were brought in to do telegraphic work, for which they were unqualified, while men in high stations had to do the ordinary work of the office, and that, generally speaking, the whole staff was in a state of dissatisfaction and irritation. Of course, the telegraphists had no knowledge of my letter to the Postmaster General, though they were the persons on whom long hours and personal sacrifices had fallen for a long time past. Letters and articles began to appear in a local paper—a Tory journal, which shows that there was no political significance in the correspondence—setting forth the grievances of the telegraphists. At the same time, the Postmaster General, in answer to the appeal which had been addressed to him, undertook to add very largely to the Staff, and to make several promotions. Then the superintendent of the Telegraph Office, after direct communication with the Postmaster General, sent for eight of the staff and told them that they would be promoted if they had had nothing to do with the letters which had appeared in the local paper. The eight men disclaimed any complicity in the matter, and five were duly promoted. The other three, however, were informed that they knew, or could readily find out, who was responsible for the letters to the news-

paper, and they were given 48 hours in which to report to the superintendent. Public servants are put in rather an awkward position by the attitude taken by the Postmaster General and other of her Majesty's Ministers. The doctrine of the Government seems to be that Civil servants must, above all things, suffer in silence. If they appeal to a newspaper, they are severely punished; and if they appeal to a Member of Parliament the hon. Gentleman is told that such action is subversive of the discipline of the Service. I have no desire to interfere between the heads of Departments and their subordinates; and in proof of this I will mention that I have never before brought any grievance such as that I am now referring to to the notice of the House of Commons, though I have often been requested to do so. At the end of the 48 hours the men reported to the superintendent that they considered it no part of their duty to obtain the information required. The promotion that it had been intended to give these men proved that they were efficient. They had all been long in the service, and they had been resident many years in Cardiff. No one will deny the right of the Postmaster General to order them to other towns if their removal was called for by the exigencies of the Public Service; but the removal of these men at extremely short notice was a penal sentence for not having ascertained and disclosed who were the authors of these communications to the local newspaper. Hearing of the matter, I went to them myself to try to get information from them; but such was their loyalty to the Department, or else their terror of the rule under which they lived, that they were indisposed to make any statement to me, and I had great difficulty in eliciting any facts from them. The Postmaster General has said that their removal was not a punishment; but that he found a state of things which seemed to indicate a lack of discipline, and he thought it best to disperse those who were suspected. That might be a step quite within his right if it was taken in good faith in the interest of the Service; but these removals came upon the men as penal sentences, and feelings of sympathy and indignation spread like wildfire throughout the Telegraph Services of the country. I have received hundreds of communications from all parts of the country showing the interest that was felt in the case, and expressing the opinion that these men had been dealt with unrighteously. Some of these men have been moved more than once, and one several times; and they have also been refused the usual extra allowance for temporary residence on the plea that their removals were permanent. I have a number of facts which go to show that these men were not wanted at the places to which they were sent; indeed, in some instances, they have been idling away their time. All the surrounding circumstances went to show that the men were being punished. One of them wrote to the Postmaster General to ask him what the punishment was for; and the answer made was that he was not being punished at all. Not being punished! Why, the men were put to great expense, and one of them had been reduced to almost absolute want. Two of them have since been promoted in the towns to which they were sent. Admitting that the Postmaster General must have the power of removal, and must exercise it, still, it ought not to be abused in such a way as to make removals a very severe punishment. I have not been very anxious to bring the case on, because I believe very little good comes of bringing such cases before the House, particularly during the *régime* of the present Government. It has been made manifest in many cases that there is no idea of making public servants satisfied and content, and that the main idea is to exercise arbitrary authority and to expect men to yield to it at once; but in this age discipline is not to be maintained in that way. I admit that the Government is unduly harassed by the claims of public servants. Yesterday in the Lobby I met several gentlemen who had come to press claims on the Government, which I decline to recognise. Some men seem to have the idea that they are to give the public a few years' labour and that they are to be kept in idleness for the rest of their lives. Others, if they are introduced temporarily into the Public Service, set up claims of a permanent character. The State ought to be able, like a private individual, to obtain temporary service; and if it becomes continuous, those who are employed

ought to be grateful. Nevertheless, all ought to feel that they are considerately treated; and I have submitted a case in which men were dealt with most improperly. Why should civil servants be ordered about like slaves, without any charge being made against them? On this subject I have had a correspondence with the Postmaster General, who, in the course of it, did what I suggest was not magnanimous. Here was an office of which complaint was made, not that the staff was inefficient, but that it was overworked, and that men were struggling manfully with their duties. The Postmaster General turned round and made a general, broad accusation against the Cardiff office, that it was occupied by a set of demoralised public servants; and he stated among other things that the privacy of telegrams was not respected, but that their purport was published. That was a strong charge to make, and I have made it my duty to inquire into it. The only thing to be found against them was that when the right hon. Gentleman himself visited Cardiff, he had occasion to telegraph to a local friend, and that friend telegraphed to his wife that the right hon. Gentleman was coming, and the fact got into the local newspapers. This was not a very awful revelation of a private telegram in itself, and I would point out that before the right hon. Gentleman made the charge he had discovered the guilty person. The person who disclosed the telegram was found not to be a telegraph clerk at all, but a postal official high up in the office. He had to leave in consequence of the disclosure. On this occurrence was based a general statement with regard to all the officials, and all the foundation for it was a simple incident of the kind I mention. My noble Friend (Lord Compton) in his speech said he had declined to participate in any meetings which had been held. But I found myself in a position to take the chair at a meeting of the telegraph clerks held in London.

*EARL COMPTON: I am afraid my hon. Friend misunderstood what I said. I did not preside at any of the meetings of the officials because I thought it would be better for them if I did not do so. In fact, I thought it better that Members of this House should not take part in these meetings, owing to the danger of transgressing the regulations of the Postmaster General.

*SIR E. J. REED: I was in sympathy with the men who had been improperly punished at Cardiff, and it seemed to me a very natural thing that I should preside at a meeting of sympathising officials. I took the chair also for another reason, that I had never heard, or dreamed, or imagined that the right of men to meet to discuss their grievances in this country would be questioned. The regulation that the right hon. Gentleman claims to have modified was of such a nature that it would make liable to punishment any servant of the Post Office who invited half a dozen of his colleagues to dinner, and afterwards discussed the question of their salaries. Everyone, even the right hon. Gentleman himself, can see the gross absurdity of that regulation. It would be all very well to prohibit meetings of civil servants at which their grievances are discussed if the public could be assured that those servants are always treated fairly and righteously; but I am sorry to say that that is not the case. And I fail to see what gain there is to be obtained from thrusting a reporter into meetings of men when assembled to discuss their grievances. I cannot but regard it as a frightful mistake. The men in the case I have complained of were treated merely upon suspicion. No personal allegations were made against them, and in cases of that kind is it right that a reporter in the interest of the Postmaster General should be thrust into their meetings? The right hon. Gentleman always succeeds in making a very temperate and successful speech in this House. I am glad that that is the case, because I think it desirable that the heads of Departments should be able to justify their conduct. I am rather disposed to follow the line taken by my noble Friend at the end of his remarks. If he chooses to go to a Division I shall certainly go into the Lobby with him, but I see no good to come from a Division. I rather think it would be wiser to content ourselves with appealing to the right hon. Gentleman to remove the sense of injustice which rankles in the breasts of hundreds and thousands of his *employés* throughout the country. I trust the Postmaster General will save us the trouble of dividing, by responding

to the appeal that has been made to him to do his best to examine into, and, if necessary, to remove the grievances which the Post Office *employés* are suffering under. I am glad to know from a recent speech of the Postmaster General that he is prepared to consider all the cases of the men with the view of remedying their grievances, but, certainly, unless the men are treated with more consideration it will be necessary for the House of Commons to take into its own hands in some degree the regulation of such State Departments.

*(10.9.) MR. ARTHUR WILLIAMS (Glamorgan, S.): I will not deal with the claims of the Cardiff telegraphists which have been so amply discussed by the noble Lord and the Member for Cardiff. It is clear that during the past three or four months the deplorable state of discontent and dissatisfaction described by the hon. Member for Cardiff has prevailed, not only there, but in other towns. I do not hesitate to say that officialism has interfered with the men in discussing their grievances in a manner which is absolutely foreign in this country. The telegraph servants have a right to discuss their grievances, and I insist upon that right in their behalf. Do not let me be misunderstood. I do not consider this as a matter of personal treatment, but as a matter of public policy, and that alone; and I venture to say that the policy adopted by the Post Office in its treatment of all its servants has been quite as bad as that which has characterised its treatment of the telegraph clerks. The right hon. Gentleman the Postmaster General, as we all know, in April placed restrictions upon the men holding meetings. My attention was drawn to it, and I at once gave notice that I would, if I could get a chance, move that this House affirm the right of all Civil servants to meet freely without interference from the heads of the Department, and I put a question to the right hon. Gentleman as to whether any previous regulations existed. I want to draw attention to the terms of an Order of 1866, issued by the then Postmaster General, Lord Stanley of Alderley. He issued an Order prohibiting the men from meeting on pain of dismissal; but that Order has never been acted upon until the present year, and I do not think the Postmaster General was ever aware of its existence until he hunted it up to justify the Circular of April 19 last. The late Mr. Fawcett was a great enemy in public life of the fetisch of officialism. He had difficulties with the Telegraphic Department, but he never did anything to restrain the men from meeting to discuss their grievances. They had the most perfect freedom in the way of petitioning and in holding consultations with Mr. Fawcett, who lost no opportunity of finding out what he considered was wrong in the Department. I do not think Mr. Fawcett knew about that Order of 1866; and if he had known about it, I feel confident that he would have treated it as an absurdity. In March, 1881, in reply to a question put in the House, Mr. Fawcett declared that

> "he would spare no effort to arrive at a fair conclusion as to the complaints of the telegraphists, and that he was very anxious to hear from the men themselves their accounts of their alleged grievances."

He did not issue an Order to forbid the men from holding meetings. Not at all. On one occasion he asked 12 representatives—seven males and five females—to see him. They waited upon him, and he asked them to speak to him without reservation. They did so, and they gave him some very useful information; and at the end of an interview which lasted over five hours—after this long friendly intercourse with his *employés*, meeting them face to face, exchanging views, giving and receiving information—the deputation withdrew, warmly thanking the right hon. Gentleman for the manner in which they had been received. To show that he did not interfere with the perfect freedom of public meeting of his *employés*, in answer to another question on March 24th, 1881, asking whether his attention had been drawn to meetings which had taken place of Post Office clerks and telegraph clerks, Mr. Fawcett expressed himself cognisant of these meetings. On the 13th May also, he admitted that he had seen reports of these meetings, and stated that directly a decision was arrived at as to the matters in dispute he would make it known to the Post Office servants. The only other quotation I have to make is that of an answer to the hon. Member for Derry, who

asked whether Mr. Fawcett's attention had been drawn to a meeting of the Cork telegraph clerks, the object of which was to act in conjunction with the clerks of the various offices throughout the Kingdom; and whether the Postmaster of Cork, on seeing a report of the meeting in the Cork papers, gave instructions that any clerk who had taken a prominent part in the meeting should not be engaged on any duties which involved extra pay. Mr. Fawcett's reply was that "no such instruction was ever acted on." It is quite clear that that distinguished Postmaster General never for a moment suggested interference with the most complete freedom of action on the part of any telegraph clerk. I agree that the right hon. Gentleman (Mr. Raikes) has shown a studied courtesy to Members of this House, and we have no wish to make this a personal matter. It is a question of policy. We are now approaching a great crisis in the management of the affairs of this country. Democracy has become the mistress of this country. Democracy will no doubt make many mistakes; but I would ask whether we are likely to prevent it making mistakes by arbitrary and fussy interference with the individual liberty of our own servants. It is the duty of every Member of this House to see that those servants have fair play. I would earnestly entreat the Postmaster General to withdraw the irritating and annoying Order he has issued, and to let the postal servants be free to discuss their grievances, and to have immediate and ready access to him.

(10.22.) MR. RAIKES: As the discussion has gone on at considerable length, and as my own conduct has been freely criticised, I hope the Committee will allow me some latitude in defending myself from the attack which has been made upon me. I hope to maintain the temperate tone which has been displayed by the noble Lord. The noble Lord, who has constituted himself in this House one of the representatives of the Telegraphic Service, seems to think that unfair comment has been made by me; but I can only say that I was referring at that time to certain outside speakers who, by their incendiary language, provoke public servants to neglect their duties. The noble Lord has spoken of the moderate manner adopted by the telegraphists in pressing forward certain complaints they made; but if he had seen as much as I have of the manner in which the telegraphists press forward certain complaints, I think the noble Lord would have adopted a different phrase. I have mentioned before that many of the complaints deserve, and will receive, the favourable consideration of the Government. I only refer to the incident as an example of the very worst way in which any public servants could hope to obtain consideration for their complaints—that is to say, by a cannonade of constant reiteration, hurled at the head of the Department for months before he has had the opportunity of obtaining the best advice. I hope that, for my part, I have altogether abstained from the use of irritating language, and I think that if the noble Lord had had the opportunity of studying the shorthand writer's report of the Leicester Conference, he would have found that language was used such as would not have been tolerated by any Department anxious to promote the interests of the men. I do not mean to say that because this language has been used, and because the complaints have been ventilated in a studiously offensive manner, they ought, therefore, not to receive attention. I have sought to give, and have given, consideration to them, and I think it is rather singular that I who have been the only Postmaster General who, since Mr. Fawcett, has been able to secure for the men substantial permanent benefits, should have been singled out for attack in this manner as guilty of unsympathetic and arbitrary dealing. It is quite true that they adopted a course which greatly increased the difficulties which stood in the way of their obtaining those benefits—but let byegones be byegones. I am glad to think I have been able to give the telegraphists more substantial proof of my consideration for them than could have been afforded by any number of speeches delivered by fiery orators. I am glad the noble Lord did justice to my friend Sir Arthur Blackwood, but I cannot admit that in any official action he takes Sir Arthur Blackwood is to be severed from myself. I am prepared to bear the responsibility for

all he does. He, on the other hand, would be the first to admit that to me belongs the credit of any course that may be regarded as beneficial. Therefore, although I am glad to recognise the position of Sir Arthur Blackwood and to do justice to a very able and distinguished public servant, I must enter my protest against any attempt to set up the doctrine that the Secretary of the Post Office may take a particular line without having the sanction and support of his Parliamentary chief. The noble Lord has taken credit—and I think he richly deserves it—for his attitude in regard to the meetings held by the telegraphists in London. I think he acted as any public-spirited friend of the men would have acted in telling them he would be no party to their taking any action which would amount to a breach of official rules. I am not able to approve of several parts of his speech, but I am compelled to bear this testimony to his endeavour to be a true friend to the men whose cause he has espoused. The noble Lord made a sort of reply to a speech made by me, I think, in June last. I find this difficulty in dealing with the noble Lord—that he is not willing to accept statements of fact from those with whom he differs. If the noble Lord were prepared, as Members generally are, to accept statements of fact from those opposed to him in controversy he would save himself a great deal of trouble, and render greater service to any cause he attempts to advocate. I have never denied that in the early years of my administration there were a great number of petitions and memorials. There have always been a great number of them, and I think it will be plain that it is something not to be encouraged if the servants of a Public Department, having had their applications carefully considered and, for good reason in the eyes of the Department, rejected, immediately return to the charge and present the same memorials over again in the course of a few months. The particular memorial to which I understood the noble Lord mainly to refer was a petition which had been before the public in all the newspapers, which had been the subject of leading articles and impassioned speeches, but which had never been presented to the Minister responsible for dealing with it. The noble Lord came in just at that inconvenient moment when I had appointed a committee to consider the grievances generally alleged by the provincial telegraphists, but when I had not received the petition from the London telegraphists, the noble Lord's especial clients.

*EARL COMPTON: As a matter of fact, I had not seen that petition when I got up my case.

MR. RAIKES: It is a curious thing that in presenting his case the noble Lord should have omitted to avail himself of reports readily accessible, and which had formed the subject of much public comment. Of course, however, I fully accept the explanation. The noble Lord went on to make insinuations which I think he will some day be sorry for. He was pleased to insinuate—and no one who heard him could fail to see he insinuated it—that I had been a party in some way or other to producing misrepresentations in *Hansard* of the speech I delivered on a particular occasion. Now, I should like to know, yes or no, is that what the noble Lord meant?

*EARL COMPTON: I am very glad indeed to answer. What I meant by my speech was that the right hon. Gentleman's language, according to the *Times* and my own recollection of it, was entirely different from that which I found in *Hansard*, and I imagined, as I saw an asterisk before his name, that he supplied the speech, as produced in *Hansard*, with one or two particular points.

MR. RAIKES: I understand the noble Lord to say he charges me with having deliberately falsified the report of my speech in *Hansard*.

*EARL COMPTON: I beg the right hon. Gentleman's pardon; I never used the word "falsified." What I did say was that I saw a distinct alteration in the two accounts, and I should have preferred to use the account in the *Times* and also my memory which served me as regarded what took place. I found in *Hansard* a modification, as I understand the word, of the language actually used in the House.

MR. RAIKES: Then I wish the noble Lord had had the manliness to charge me with falsification, because it appears

to me there is no other meaning which can be put on the language he uses. I will take an instance, because the noble Lord was good enough to supply instances. The noble Lord said he found reported in *Hansard* that there was no "proof" of the statement that a Memorial had been presented to the Royal Commission, and the noble Lord was pleased to say that, as far as his recollection served him, what I had said was that there was no "truth" in that statement. Now, I have a very accurate recollection of that particular passage in my speech, and I can assure the Committee—I do not think I can satisfy the noble Lord—that the word "proof" was the word I used, and that the word "truth" would have been extremely out of place, because what I was endeavouring to show was that we had no evidence of the presentation of the Memorial to the Royal Commission. I said there was no proof of that statement having reached me, and I went on to say there was no record of it in the proceedings of the Royal Commission. I think anybody who studied the context of that speech would see there was no other word I could reasonably use except the word "proof."

*EARL COMPTON: As this comes close to being a personal matter, the right hon. Gentleman will allow me to explain. He will recollect I had a private correspondence with him. I sent to him an extract from the *Times* in which the words were "he knew there was no truth in the statement." I sent that extract to the right hon. Gentleman; he made no remark with regard to it. He did not say it was a mis-statement, and, as he had not denied it, I was a little surprised to find the word "proof" in *Hansard*.

MR. RAIKES: Of course, the correspondence had reference to other matters, and I had to combat so many errors in the noble Lord's letter, that, perhaps, I did not combat all. Having made this statement relating to the fact, I leave it there. The noble Lord was pleased to assume that the Memorial of the telegraphists to the Royal Commission having been submitted to the Controller, I must necessarily have been possessed of its contents. The noble Lord is pleased not to accept my disclaimer. What happened was this. The telegraphists were anxious to present a communication to the Royal Commission. They came to the Controller and asked whether it should be sent through the Postmaster General or through the Treasury. I believe the Controller never saw the communication at all—so far as I know, at all events, he made no report on the subject—but he told the telegraphists they were perfectly free to present their Memorial to the Royal Commission direct.

*EARL COMPTON: That distinctly contradicts the statement I have made. The Memorial was presented to the Controller; it was not returned at once, but the Controller told them they could present it themselves. The idea was that the Controller had taken it to the Postmaster General.

MR. RAIKES: That is precisely what I say is not the fact. What I said was that I had no knowledge whatever of the existence of this document at all. These are all examples of the way in which arguments are put together, and charges are made upon them. I am told that my attitude towards my subordinates has been unconciliatory and unsympathetic; the evidence on which these charges are made crumbles to pieces, and the charges based upon them fall with the statements that have been made. The noble Lord has been good enough to give some commendation to the scheme framed for the benefit of the telegraphists. I am sorry to detain the Committee with these personal matters, but I should have thought any one claiming to be in any sense a representative of the telegraphists would have made the burden of his speech one of congratulation upon the very great advantages which it has been my good fortune, as Postmaster General, to obtain for those officers. I do not want to dwell upon them. I think it sufficient to point out that it has been under my administration of the Post Office that the desired boon of payment at the rate of time and a quarter for overtime has been conceded, that it has been on my advice that the Government have consented to pay extra for Sunday labour in the case of provincial telegraphists, and to pay for the work done on Bank Holiday, and that it has been on my advice that sick

absence is now to carry full pay in cases where it is certified by the superior officer. The cost of these changes will not be less than £100,000 a year. It is not encouraging to a Minister who does his best to promote the interests of his subordinate officers to find that those who hold a brief for them in this House have only petty personal accusations to make in consequence. There has been something said by the noble Lord with regard to the Circulars of April 19 and May 21. I have so often made statements upon this subject that I am almost ashamed to trouble the Committee with regard to it again. But to-night I am able to deal also with the point raised by the hon. and learned Member for Glamorganshire, who spoke about these Circulars as having infringed the right of public meeting. There cannot be a greater mistake than to connect these Circulars with the phrase public meeting. These Circulars have no reference whatever to what are understood as public meetings. They have reference to the action of official persons discussing official questions. The meetings in question can only by a most egregious misnomer be called public meetings. Reporters are occasionally present at such meetings, but as their reports are often most inaccurate and incorrect, and likely to mislead the public and the Department, I cannot understand how any man can feel himself aggrieved if the head of the Department takes steps to ascertain the real truth and the real grievances complained of. The Circular of May 21 was intended to make plainer to the minds of the servants of the Department the benevolent disposition of their superior officers in framing the Circular of April 19, because the question had arisen with regard to a public dinner that was going to be held at Leicester in connection with an assembly of telegraphists there, as to whether that was a meeting at which a shorthand writer should be present. Having regard to the value of after dinner oratory, I was glad to assure my correspondent that there was not the smallest wish on the part of the Department to be informed as to what the telegraphists might say in their cups. It was supposed I was desirous of prying into the secrets of the men in the committee meetings they might hold to consider the course they should take in framing any particular Memorial, or in framing Resolutions to be submitted to meetings of the general body. I was anxious to disabuse their minds of that suspicion also, and the Circular of May 21 was issued to point out to them that the Regulations only had reference to meetings held by official persons for the discussion of official questions with the object of influencing public opinion. That is the only instance in which I have desired to be furnished with information as to what took place, and I think that the men themselves will recognise that it was well to guard them against the misrepresentations which frequently arise in newspaper reports. The noble Lord has asked whether any telegraphist has worked for 11 hours consecutively, and, after a short break, for four hours more. I am afraid that they do occasionally work so long, but the men who perform this extra duty are not merely volunteers, but as a rule are very desirous to do the work, and their readiness will now probably be greater than ever, because overtime is to be paid at a higher rate. I agree with the noble Lord that these hours are too long, and I shall be glad to do what I can in reason to mitigate the pressure of long hours of duty, but I fancy that the first persons to object to the compulsory curtailment of the hours will be the telegraphists themselves. The noble Lord, of course, would not like to do the work himself, nor should I; but men who are familiar with the business and anxious to increase their incomes are very ready to work a considerable amount of overtime in order to earn extra remuneration. I shall be very glad if it is possible to reduce these hours, and to bring the duties of the men within a more reasonable compass. Now, with regard to the question of the maximum of the first-class, the noble Lord has said that the new superior class is likely to be much smaller than the class at present existing. No definite conclusion has yet been arrived at on this subject, but I think that the telegraphists will find that, whatever change is approved by the Treasury, their position will not be damnified, but improved. The noble Lord has said a word or two with

reference to the recent lamentable occurrence at the Central Telegraph Office. I have this afternoon received the Report of the officers deputed to inquire into the matter, and I certainly expected to find that the great majority of the men who have been excluded from the benefit of the new scheme in consequence of a possible participation in this occurrence would be able to satisfy the Department of their innocence of complicity in the outrage. In that case they would be restored and would receive the full benefits of the scheme, just as if they had not been suspended. The conduct of the men concerned in the outrage was rather worse than the noble Lord seems to suppose. There is no doubt that the injured party was struck with a big stick, and he believes he can recognise the man who struck him. It is also a fact that he was spat upon in the course of the fracas. I have only a few words to say with regard to Cardiff. The hon. Member for Cardiff (Sir E. J. Reed) has dealt with the subject in a tone of great moderation, but I think the hon. Member is himself conscious of the false position which he has taken up in bringing the question forward at all. The hon. Member admitted the absolute right of the Postmaster General to move the servants of the Department from one place to another, and admitted that the Postmaster General must be the judge of what removals are for the good of the public service. I have acted entirely within those limits. I found a state of things prevailing at Cardiff in the course of the last autumn which was extremely unsatisfactory. I do not expressly blame the telegraphists for it. They had a Postmaster who had not been able to exercise proper control. His place had been filled by a chief clerk, who certainly in one respect showed he was not at all equal to the duties which he ought to perform, and the office had got out of hand. The result of this was that communications took place between the telegraph office and an infamous print styled the *Western Mail*, the editor of which journal appears to me to have done his best to decoy the servants of the Post Office into supplying him with information, in order to improve the circulation of his paper. I am glad to believe that in the main, as far as I can judge, the telegraphists turned out to be proof against such solicitations, but there is no doubt that at least one official document was published in the *Western Mail*, and no doubt the public servant who published that official document in the *Western Mail* ought not only to be subject to removal or to dismissal, but he ought to be prosecuted for having so betrayed his duty to the State. I came to the conclusion it was desirable to make a considerable number of promotions to the first-class at Cardiff. I was very anxious in making the promotions that I should not promote to higher and more important places in that office the person who had been guilty of this offence, and I therefore instructed the Surveyor to be very careful in the recommendations he made, and not to give me any men's names for promotion to the first-class whom he had just reason to suppose had been connected with this scandalous breach of official duty The Surveyor seems to me to have rather blundered in the execution of his task, and he put the men to their purgation by demanding from them statements which, I think, they were perfectly justified in refusing to make. The result was that five of the eight men who were so questioned were promoted by me. Three were transferred to other offices; two of these have since been promoted, but, in view of such suspicion as attached to these officers, I could not feel it my duty to promote them while they remained at Cardiff. It has been to the interest of the men that they have been transferred to other offices, where I believe it possible, without prejudice to the Public Service, to put them in more important and responsible positions. With regard to one other man—for so this mountain subsides to a molehill—of the second class, who was transferred when he otherwise might have expected promotion, the hon. Member for Cardiff has spoken of him as being in absolute want. That is hardly a correct description; but I fear that the man's circumstances are not as good as could be wished, because, on a salary of 23s. 6d. per week, he has felt himself entitled to commit matrimony. This telegraphist is, perhaps, rather a subject for pity than otherwise. I am not aware that by so acting this gentleman has established

any special claim on the Department. I have, however, given this officer an opportunity of entering the first class should his conduct be good. I have not punished these men. I found the office in a bad state, and I thought it desirable to fill it with new blood, and to transfer to other offices young men who, placed perhaps in circumstances calculated to cause them to yield to temptation, were led to manifest an unruly spirit. I think that I have done the best thing in their interests, as I am sure I have done the best thing in the interests of the Service, and I have no doubt as to the wisdom and propriety of the course I have pursued in causing the transfer of these eight men. I have to thank the Committee for listening to a longer speech than I intended to make, but I had to cover a good deal of ground. The noble Lord very kindly advised me to gain the affections of my subordinate officers. I do not know that I have done anything to forfeit the regard of any subordinate officer in my Department. Certainly I have done all that I could to show my regard for them. If any kind of estrangement has arisen, is it not rather due to the perhaps well meant endeavours of philanthropic politicians who go about encouraging people in making demands which may perhaps be extravagant, and certainly in a way which is wrong and improper? I prefer to think that I shall win the esteem and the confidence of the great Department, which, however unworthily, I administer, by showing justice tempered with kindness, and a constant goodwill towards the men in my employment, whatever provocation I may receive in this House or elsewhere.

*(11.5.) EARL COMPTON: I will not detain the Committee beyond a few minutes, but I feel, after what has taken place, that it will be expected I should say a few words. I have been under a disadvantage as regards this Debate. I brought forward my case in what I believed to be a very temperate manner, and I did my best not to insinuate anything that would in any way hurt the tender susceptibilities of the right hon. Gentleman. I spoke during the dinner hour, when the House was practically empty, and there are very few Members now present who heard my speech and the arguments with which I supported my case. Members came in to hear the answer of the Postmaster General, and they have applauded that answer as they had a right to do, for it was a very clever answer indeed. One part of it I wish to allude to. I have no intention of imputing to a political adversary words which were never used, or meanings which were never intended. But I draw the attention of the right hon. Gentleman to one point. In his speech the right hon. Gentleman referred to a certain statement of the telegraphists which was to be handed to the Royal Commission. My contention through the whole of my speech was that, owing to what had been said by the right hon. Gentleman, and the attitude he had taken up, he was himself, to a great extent, the cause of the discontent among the telegraphists. In enforcing this point I explained carefully what had taken place; I explained that the men had, as was their duty, approached the proper official at the Telegraph Department, asked him to receive a deputation and placed a statement in his hand, and this was ultimately returned with the remark that they might present it themselves. Now I draw attention to the words of the right hon. Gentleman when I first brought the matter before the House. He said, amongst other things, "I have been unable to obtain a copy of this Memorial, and have not, of course, been able to give it any consideration." The right hon. Gentleman seemed to be quite unaware that the statement had been presented, and I quite admit that when he says it was so. But, in addition, the right hon. Gentleman went on to say that, in fact, the matter had been "sprung upon the Department in the last moment," whereas it had been handed to the Controller at the end of last year.

MR. RAIKES: In saying that, I referred to the fact that I for the first time received a copy that very morning.

*EARL COMPTON: I am quite aware that the right hon. Gentleman said that at the time, but he informed the House that it had been "sprung upon the Department." I daresay it had not been submitted to the right hon. Gentleman.

I daresay that this may have been a little mistake on the part of the Controller, but I do not wish to say a word against any official. Let me also say that I did express satisfaction at what has been done for the telegraphists under the new plan. I offered a few harmless criticisms on minor points, but I said that, on the whole, the right hon. Gentleman had done well. I expressed my personal thanks, and said I thought it would create contentment among the telegraphists. But this was not what the right hon. Gentleman represented in his speech. He gave the Committee to understand that I had not said anything in favour of what the right hon. Gentleman has done. Let me say at once it is exactly this attitute taken at the moment towards myself—which is a very small matter—it is exactly this attititude persevered in towards those under him which has caused so much discontent, and for a long time has caused so much trouble in the Department. The right hon. Gentleman is free to make what remarks he pleases about philanthropic politicians; my anxiety is that he should turn over a new leaf, and treat those under him, who are not his servants, but the servants of the public, with a little sympathy and consideration. That is all I ask. From the remarks of the right hon. Gentleman to-night he evidently intends to do his best to ameliorate the condition of those who are placed under him for a time—a very short time—longer. After what the right hon. Gentleman has said, and seeing that he is really anxious now, in his fourth year of office, to redress the just grievances of the telegraphists, it is not my intention to carry my Motion to a Division. Again, let me say I am very glad indeed that at length the right hon. Gentleman has seen the necessity that something should be done for what I consider a most deserving class of public servants who have been underpaid and overworked for so long.

*(11.11.) SIR E. J. REED: The reply of the Postmaster General is, on the whole, satisfactory—at any rate, it is such as to lead me to believe that the men whom he has not "punished," but who have suffered severely, will receive some consideration at his hands in future. The right hon. Gentleman has admitted that the Surveyor at Cardiff blundered in dealing with these men, and I am fully prepared to accept that statement, but I must say it is not quite satisfactory that public servants should be made to suffer for the blunders of those placed over them. I took the opportunity at an early stage to ask the right hon. Gentleman to remove the injurious effect of the errors made, to which these men were made victims; but I do not think any useful end will be served by pressing this matter to a Division if the noble Lord does not desire to do so. I have no doubt the Postmaster General acted in the matter as regards the Cardiff telegraphists, as he thought, fairly, and with the best intentions, but his action has been harsh in its effect upon these men.

Amendment, by leave, withdrawn.

Original Question again proposed.

(11.12.) MR. MARJORIBANKS (Berwickshire): I believe I am in order in raising a question about which I do not think there will be much difference of opinion—the Telephone Service as it exists in this country. I think every Member of the House who has occasion to use the telephone in the Metropolis will admit that it is far from being perfect or from giving satisfaction. Indeed, I think it will be admitted that in London the service is both expensive and bad. The cost to an ordinary subscriber is £20 a year. Now, I believe in any other capital in Europe there is a much better service for £6 a year. Let any hon. Member try to talk between the West End and the City and say whether the service is worth calling a service. The first great error of the service is that it is conducted on a single wire instead of a double-wire system.

THE CHAIRMAN: The right hon. Gentleman must not enter into the details of the Telephone Service upon this vote.

MR. MARJORIBANKS: I am going to point out that the service is bad, and how for this the Post Office is responsible If the Post Office had taken a reasonable view that the telegraph is to the tele-

phone what stage coaches are to railways, instead of jealously shutting out the telephone for the advantage of the telegraph, then possibly there would be no cause to complain; at all events, if the Post Office had assumed more responsibility, it is probable we should have had a better service. What is the policy of the Government as to the future? I believe the Postmaster General has large ideas on the subject, and if I am not misinformed he applied to the Treasury to place at his disposal this year the sum of £3,000,000 in order to purchase the telephone system of the Metropolis in June last, when it was in their power to buy it. I do not know whether this is true or not; but it is a question I should like to put to the right hon. Gentleman, whether for the improvement of the system reliance is to be placed upon the granting of licences to rival Telephone Companies? I want to know whether the right hon. Gentleman thinks that this is fair to shareholders in the present National Company, and whether he thinks Parliament will consent to allowing competing companies to interfere with the existing company in this manner? How soon is it proposed to give a licence to a rival company, or are we to go on from year to year shutting out improvements and leaving ourselves in the hands of the National Company? It has practically got a monopoly of the Telephone Service all over the country. It has absorbed, by methods I do not stop to characterise, various enterprises. What I want to press upon the right hon. Gentleman is simply this: that he should tell us clearly what is to be the policy of the Post Office towards the telephone in the future; whether he is going to allow the present Company to continue the present bad system which is so expensive? Then, I would like to know what are the right hon. Gentleman's views in regard to what I may call the trunk lines which, I suppose, will be established throughout the country. Will these be in the hands of the Post Office, allowing local companies to develop local business in various towns? These are points upon which I shall be glad if the right hon. Gentleman can give us some definite information.

(11.20.) MR. RAIKES: I am very sorry I am not in a position to answer all these questions. It is quite true the Government had to consider this year whether they would purchase the undertaking of the National Company or not; and, after full and careful consideration, they came to the conclusion that it was not desirable to purchase that undertaking. That is generally known. Most of the patents held by the National Company will expire this year or next, and the whole position will then be radically changed. The question of the trunk lines and many other points are also under consideration. I hope I may rely upon the Committee not to seek to precipitate any statement at present, because the Government are not yet in a position to arrive at a definite policy, and as soon as possible I shall make an explanation to the House.

*(11.22.) SIR A. ROLLIT (Islington, S.): I wish to ask for an explanation on one point of detail. Before the new regulations the scale of pay for certain towns was equal, but since the grouping of the towns there have arisen differences and anomalies which some of the telegraphists do not understand. In the case of Hull and Sheffield, for example, the maximum rate of pay is 54s. in Sheffield and 52s. in Hull, while the staff in Hull numbers 87 and in Sheffield only 75. There is no reason to believe that the expense of living is any greater in Sheffield than in Hull, and, on the face of it, the matter seems to be one for explanation.

(11.24.) COLONEL NOLAN (Galway, N.): I wish to draw attention to the fact that some of the railway stations in Ireland are without any Telegraph Service. I recently drew attention to one instance in which there were telegraph wires and an operator who was willing to be employed; but the right hon. Gentleman rather spoiled my case by sending down a special messenger to take away the instrument. I do not think any railway station ought to be without the telegraph. At the very station of which I speak there was a collision some time ago. Even if the Post Office loses £5 or £10 in the first

year, I do not think that ought to prevent the establishment of a Telegraph Service.

(11.27.) MR. ESSLEMONT (Aberdeen, E.): The right hon. Gentleman is no doubt aware that at the conference held at Paris in June this year a desire was expressed that an international signalling system should be established with uniform prices. I wish to ask the right hon. Gentleman whether anything can be done for bringing the British telegraph system into uniformity with the Continental system, and with a uniform charge. I believe Lloyd's Agency is considerably interested in the matter, and that the adoption of the suggestion would be of great benefit to shipowners.

(11.28.) MR. CREMER (Shoreditch' Haggerston): I wish to ask the right hon. Gentleman whether he has turned his attention to the question of introducing the *carte* system of telegrams which obtains in the City of Paris and elsewhere on the Continent. You can go into a Post Office in Paris and write at considerable length on a card or envelope, and in an hour or less you can have your message delivered at the cost of 3d. No doubt the adoption of the system would mean a considerable outlay at first. I hope the right hon. Gentleman if he has not yet heard of this wonderful method of communication will very soon hear of it, and that before long it may be introduced into this country.

*(11.31.) MR. RAIKES: In reply to the question raised by the hon. Member for South Islington (Sir A. Rollit), I may state that I have asked for particulars as to the relative number of the staff in Hull and Sheffield, and I hope soon to have information on that point. With regard to what has fallen from the hon. and gallant Gentleman opposite, I can assure him that I quite take his view, but I am afraid I have no power to compel a Railway Company to open a telegraph station. I shall, however, be glad to communicate with the Railway Company on the subject. In reply to the question of the hon. Member for East Aberdeenshire with regard to the signalling of ships, I am sure the Committee will be glad to know that one of the results of the Telegraphic Congress at Paris a month ago has been that the charge in such cases is to be reduced from two francs to one franc, which is to be a uniform charge. In answer to the question raised by the hon. Member for the Haggerston Division (Mr. Cremer), relative to the *carte* system of telegrams, that matter is one that has been carefully considered by the Department, and information has been obtained on the subject. I should be glad if the hon. Member would come down to the Post Office and see the Report which has been furnished to the office with regard to that system by two of the most experienced officers of the Telegraph Department, so that he might be able to give his candid consideration to the objections that have been raised against it. I should be glad to introduce that or any other system which would be advantageous to the Service but so far as the evidence goes, I am inclined to think that the *carte* system is less rapid and efficient than the ordinary Telegraph Service of London, and that, on the whole, the Telegraph Service of Paris is not so expeditious as our own.

MR. CREMER: I did not claim for the *carte* system that it is more expeditious than ours, but I said it was very much cheaper, the charge being only 3d. I have had experience of the working of the system in Paris, having sent hundreds of messages by it, and in no instance has there been any failure. I hope the right hon. Gentleman will undertake to make further inquiry into a system which has produced such excellent results on the other side of the Channel where everyone is satisfied with it, not only as regards expedition, but also in respect of the remarkably low charges that are made.

(11.38.) MR. CHILDERS (Edinburgh, S.): I should like to ask the Chancellor of the Exchequer for some further explanation with regard to the non-purchase of the telephones. About

a month ago I asked a question as to whether a Treasury Minute would be issued before the end of the Session; and I now wish to know whether, if it cannot be issued so soon, the Government will raise any objection to my moving for a Return of any prospective character, so that it may be circulated during the Recess?

*MR. GOSCHEN: I can readily understand that a good many people may be anxious to know the exact policy of the Government on such a question as this. We are not, however, in a position to say what our exact policy will be; but I think it will interest many persons to know that the Government have absolutely made up their minds that they will not purchase the telephones, and that there is no chance of the telephones being dealt with as the telegraphs have been. If the right hon. Gentleman will move for the Return he has mentioned, I will see whether it will be possible to circulate such a Return during the Recess. The right hon. Gentleman will, however, understand that in the last weeks of the Session when there is a particular stress of business both Parliamentary and Departmental, it would be difficult to issue a Treasury Minute on the subject.

*MR. CHILDERS: I will gladly move for the Return assented to by the right hon. Gentleman. I may add that I have merely asked the question solely in the interest of the public, and not in that of any sellers or companies.

MR. SHAW LEFEVRE (Bradford, Central): I hope the right hon. Gentleman will see the desirability of so arranging the accounts of the Telegraph Service that they will show the difference between capital expenditure on new works and other expenditure. If the accounts are made up in that way, I think they would show that the Telegraph Service is now worked at an ample profit, although it has been said that it has been carried on at a loss. No doubt that was the case immediately after the sixpence telegrams were instituted, and in 1887 there was a loss of £105,000; but in 1890 the account shows a surplus of £144,000, owing to the great increase of business. I find that in the expenditure of that year there was included £81,000 for the purchase of submarine telegraphs and other capital expenditure, bringing the total up to £189,000, so that, adding that to the surplus of £144,000, there was, in point of fact, a real surplus of £333,000—quite enough to pay the interest on the capital value of the Telegraph Service plant.

*MR. GOSCHEN: The point referred to by the right hon. Gentleman is one which the Government will, of course, give every consideration to, but it is very difficult to settle what particular amount ought to be carried to the capital account.

MR. T. H. BOLTON (St. Pancras, N.): I should like to offer a remark with regard to the carrying of the telegraph wires overhead. I wish to know whether wires now carried overhead could not, to a large extent, be conveyed in tubes underground. My attention was called to this matter by what I saw the other day in the County of Sussex, where the effect of the erection of a long line of black poles, carrying a single overhead wire, was positively disfiguring to a very beautiful and picturesque bit of scenery, and to that extent, of course, depreciated the property. I would suggest that where wires can be carried underground, they should be so laid down.

MR. RAIKES: I will see what can be done in reference to this matter, but I would remind the hon. Gentleman that it is always competent to the owner of a property to have the wires carried underground at his own cost.

Vote agreed to.

Resolution to be reported.

Motion made, and Question proposed,

"That a sum, not exceeding £714,027, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1891, for the Salaries and Expenses of the Customs Department."

MR. J. KELLY (Camberwell, N.): I desire to call attention to the case of the writers in the statistical branch of the

Customs. That branch presented a unique, if not, indeed, a really lamentable aspect. Its work was of a most important character, but was not known to the public, inasmuch as its Returns appeared in Reports issued by the Board of Trade. Of the whole staff, 54 out of 111 were persons on temporary employ. Sixteen years ago there were 20 writers in it; and 10 years ago, when the branch was re-organised, the number of writers was fixed at eight. So little had the basis of that re-organisation been regarded that actually almost 50 per cent. of the staff were now men on purely temporary employ—in name at least. The truth was, that the writers were in continuous employ there, for many regularly doing the work of second-class (and indeed, in several instances of first-class) clerks had been in the office for 10 whole years. It had been admitted that only the best writers found employment in the Statistical Department of the Customs.

*Mr. GOSCHEN: I may remind the hon. Member that I am, at the present moment, conducting an inquiry into the Customs Service, and in the course of that inquiry I shall have representatives of various classes of *employés* before me, and those of the writers might be included, who would then have an opportunity of stating their case.

Mr. KELLY: I feel bound, nevertheless, to bring this case before the Committee. The evidence of Mr. Stephen Bourne before the Playfair Commission showed that so far back as 1874 there was a deliberate conviction in the minds of the writers in the Statistical Department of the Customs that the result of inquiries being made into their position would be their being put upon the Establishment. He stated in his evidence that many of them did the work of second and even first class clerks. In 1880 the office was re-organised, and the number of writers for it fixed at eight. In October, 1888, a tardy and small concession was made to the writers, numbering over 50, in this branch, an addition of 2d. per hour having then been conceded to a certain number of them. It could not be supposed that they would rest with this paltry concession made to these few men, though it was no doubt the fact that the concession was anti-dated to the beginning of the year, and the accruing arrears were paid from January to October in that year.

It being midnight, the Chairman left the Chair to make his report to the House.

Resolution to be reported this day; Committee also report Progress; to sit again upon Monday next.

SUPPLY—REPORT.

Resolutions [31st July] reported.

Revenue Departments.

1. "That a sum, not exceeding £4,898,551 (including a Supplementary sum of £50,000), be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Salaries and Expenses of the Post Office Services, the Expenses of Post Office Savings Banks, and Government Annuities and Insurances, and the Collection of the Post Office Revenue."

(12.2.) Mr. CONYBEARE (Cornwall, Camborne): I have to bring forward a case which I should not mention were it not for the fact that other cases have from time to time occurred. It argues a very bad system that postmen against whom no complaint can be made and who are credited by the Post Office itself with a clean record, may on some pretence—it may be on a false accusation made by persons having a grudge against them—be deprived of their means of livelihood without being allowed a chance of clearing themselves or having the case properly investigated. A man named Cornwell had been engaged in a Department of the Post Office in which it was his duty to investigate cases of theft. He served the Post Office so faithfully that in a particular case of robbery he was complimented at the trial, I think by the Judge, upon his skill in unravelling the plot. At a later period, when he was in a different position, and had to supervise the transmission of parcels, a certain parcel was found to be missing. Some months afterwards the loss of that

parcel was attributed to him. Cornwell alleges that the charge was trumped up against him by certain other officials whom he had offended when on detective duty. After the parcel had passed through his hands it was placed in an ordinary basket, and he received no receipt to show that he had properly handed it over. On the charge against him being made, a detective went to his house, and, after treating him with something like contumely, actually carried away the keys of his desk. As I understand, no inquiry has been vouchsafed to this gentleman, and he was simply dismissed the Service. Surely, in such a case, it is only right that a man should have the opportunity of clearing himself of the charge made against him.

(12.10.) MR. SEXTON (Belfast, W.): I should like the right hon. Gentleman to give me an answer to the question I have addressed to him regarding the mail service in the North of Ireland. The matter was fully explained to the right hon. Gentleman by a very powerful deputation representing every class in the North of Ireland; and the right hon. Gentleman made so satisfactory and significant a reply that there was the very general belief that the case would be promptly dealt with. In order to emphasise the urgency of the case, let me say that twice this very week in Belfast letters which ought to have been delivered at noon were not delivered until 2 o'clock in the afternoon. The outward mail leaves at 2.55 p.m., so that there were only 55 minutes on these two days to answer the general and commercial correspondence in that great community. In several other towns in the North of Ireland the inward mails are not delivered until the outward mails have left. The City of Belfast is a most important contribution to the Customs Revenue of the United Kingdom—it is next to London and Liverpool—and taking all the circumstances into account, I do trust the right hon. Gentleman will lose no time in dealing with the case.

(12.14.) MR. MACARTNEY (Antrim, S.): There has been a grievance of a local character brought to my notice, and I desire to lay it before the Postmaster General. It relates to the allowance of overtime to postmen in some districts in the North of Ireland. Owing to the difficulties of the sea passage, the delivery of the Scotch mails in Belfast and along the Great Northern line is sometimes extremely irregular, and the postmen who are charged with the delivery of the letters in Belfast and Lurgan and other towns receive an allowance for overtime. I have been informed that in Lisburn there is no allowance for overtime. The postmen charged with the delivery of these letters in Lisburn have to wait on two or three occasions during the week for an hour or an hour and a half before they can get the letters. I hope the right hon. Gentleman will inquire into the matter, and that, if he finds my statement to be correct, he will place the postmen of Lisburn on the same footing as the postmen of Belfast and other towns.

(12.16.) DR. TANNER (Cork Co., Mid): I trust the right hon. Gentleman will soon be able to see his way to effect an improvement in the postal arrangements at Macroom. I have brought the matter under the notice of the right hon. Gentleman before, and, therefore, there is no necessity that I should say more now.

(12.17) MR. LEA (Londonderry, S.): I only wish to say one word with regard to the Stranraer service. We hope the right hon. Gentleman will take steps as soon as possible to improve the Mail Service from England to the North of Ireland.

MR. M'CARTAN (Down, S.): It is a matter of paramount urgency to the commercial community of Belfast that the evening Service from Stranraer should be improved. The community are inconvenienced very much by the lateness of the mails. The deputation which waited upon the Postmaster General was influential and representative of all classes and of all shades of politics. I trust the right hon. Gentleman will be able to act upon their suggestions, and thus afford the commercial community of Belfast the postal facilities they are justly entitled to.

(12.18.) MR. RAIKES: The hon. Member for Camborne has brought for-

ward the case of a man named Cornwell, who has recently been dismissed from the Post Office service. The hon. Gentleman has been misinformed. The case is one to which I have given a great deal of personal attention; indeed, I may say that in cases of dismissal or punishment I have always endeavoured to satisfy myself thoroughly as to the facts, and to mitigate, if I can, the effect of the regulations of the Department. Cornwell has now been dismissed for the second time. He was dismissed two years ago for making extremely glaring false statements relating to a brother officer, who is since deceased, and I have always regretted that I was induced to reinstate him upon his making a very full apology and retraction of the charge, because I had great doubt at the time as to whether he was a fit person, under the circumstances, to remain in the Service. Cornwell had a superabundant opportunity of stating his case, and I could come to no other conclusion than that it was necessary, in the interest not merely of the Service at large, but especially in that of the other men employed on the same duty, that his case should be dealt with in an exemplary manner. Therefore, it is impossible to hold out any hope that Cornwell will be restored to the Service. The hon. Members for West Belfast and Down have very naturally pressed for some further statement as regards the Mail Service to the North of Ireland. I admit all that has been said by the hon. Members, both as to the importance of the interests involved and as to the influential and representative character of the deputation I had the honour to receive. I have lost no time in endeavouring to obtain the necessary *data* on which to form an opinion. As soon as I have those *data* I will lose no time in arriving at a decision in the matter. The hon. Member for Antrim has called attention to some inequality which exists in regard to the pay of postmen in Ulster. I will see whether there is any foundation for the complaint. I have to thank the hon. Member for Mid Cork for the patience he has shown in dealing with the question of Macroom, which he brought under my notice two years ago. If I am able to do anything in the direction he desires, I shall be most happy to do so.

Resolution agreed to.

2. "That a sum, not exceeding £539,829 (including an additional sum of £37,169), be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Expense of the Post Office Packet Service."

Resolution agreed to.

LONDON COUNTY COUNCIL (MONEY) BILL.—(No. 388.)

Order for consideration of Bill, as amended, read.

(12.25.) MR. KELLY (Camberwell): I beg to propose the Amendment which stands in my name. I think the right hon. Baronet the Member for the University of London (Sir J. Lubbock) has expressed his willingness to accept this slight Amendment.

Amendment proposed. Clause 6, page 6, line 30, to omit the words "Council Chamber and."—(*Mr. Kelly.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

*(12.26.) SIR J. LUBBOCK (London University): The object of the clause is to enable the Council to purchase a site for their offices, so that they may be able to bring the whole staff together. If the effect of the Amendment would be to prevent the Council Chamber and offices being on the same site, of course, I must oppose it, as that would defeat the very object of the clause. I understand, however, that the Amendment is merely a drafting Amendment, as the word "offices" includes Council Chamber. Under these circumstances, if the hon. Member cares to press his Amendment I shall not oppose it.

Question put and negatived.

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): I beg to move "That the Bill be now read the third time."

Motion made, and Question proposed, "That the Bill be now read the third time."

*(12.27.) MR. CAVENDISH BENTINCK (Whitehaven): I wish to take this opportunity of protesting against the doctrine advanced on the Second Reading by the right hon. Gentleman the Member for Wolverhampton (Mr. H. H. Fowler). That right hon. Gentleman seems to think it is not in the province of the House to discuss any of the proceedings of the County Council. So far as I am able to understand, the County Council represents the late Metropolitan Board of Works. [*Cries of* "No."]

MR. TOMLINSON (Preston): I rise to order. I believe that this a money Bill, and that it is a Rule of the House that only one stage of a money Bill can be taken at one sitting.

*MR. SPEAKER: It is not strictly a Money Bill. The assent of the House to its provisions are necessary under a Statute, and that is the reason why it is exempt from the Rule.

*MR. CAVENDISH BENTINCK: I was about to say that the proceedings of the Metropolitan Board of Works were discussed in the House, and I think the proceedings of the County Council may very properly be subject to discussion here. I may also take this opportunity of protesting against the charge made by some Members opposite as to the alleged hostility to the County Council on the part of Members on this side of the House, because the sentiments which they hold as to the inefficiency of the County Council are shared unanimously by all the intelligent ratepayers residing in Bond Street, Piccadilly, Oxford Street, and Regent Street. The scenes which have lately occurred there have been condemned even by the hon. Member for St. Pancras (Mr. H. L. Lawson), who has compared them to the proceedings of a Clerkenwell or St. Pancras Vestry. I am very much afraid that when any question affecting the County Council of London comes before the House, the interests of the ratepayers are apt to be forgotten in the discussion. In my own part of London the ratepayers protest very much against the mode in which the business of the County Council has been conducted. I hope the right hon. Gentleman opposite (Sir J. Lubbock) will endeavour to keep order in the Council.

*(12.32.) MR. T. H. BOLTON (St. Pancras, N.): I do not agree in the construction put upon the Amendment by the right hon. Baronet (Sir John Lubbock). I hope the right hon. Gentleman the Secretary to the Treasury (Mr. Jackson) will understand that the alteration which has been made is with the view of restricting the application of the money to additional offices, and to prevents its being used for a new Council Chamber, which many of us consider to be unnecessary.

*(12.33.) SIR J. LUBBOCK: If the statement of my hon. Friend who has just sat down had been the case, I should have been compelled to object to this Amendment. I distinctly stated, however, that I accepted it because it had no practical effect, but was a mere question of drafting. Our object is to get the officers of the Council together. We are not anxious to do anything with regard to the Council chamber itself, except in the event of being able to acquire a sufficiently large site to get all the staff together. With regard to the observations of the right hon. Gentleman opposite (Mr. Cavendish Bentinck), I shall be prepared to answer any attack that may be made upon us, and, I hope, to the satisfaction of the House. I can only say that the Council will maintain its own order; and considering the lateness of the hour, and the vague character of the right hon. Gentleman's remarks—I hope the right hon. Gentleman will excuse me—I do not think the House would expect me to enter into any further defence of the Council.

(12.34.) Question put, and agreed to.

Bill read the third time, and passed.

TRAMWAYS ORDER IN COUNCIL (IRELAND) (SOUTH CLARE RAILWAYS) BILL.—(No. 301.)

As amended, considered; Bill read the third time, and passed.

PARLIAMENTARY REGISTRATION EXPENSES (IRELAND) BILL.—(No. 401.)

COMMITTEE.

Bill considered in Committee.

(In the Committee).

Clause 1.

Question proposed, "That Clause 1 stand part of the Bill."

(12.35). MR. SEXTON (Belfast, W.): I wish to ask for an explanation of one or two points. Has any estimate been formed of the probable amount that will be expended in any one year in consequence of the passing of this measure, and what is the probable maximum rate which will be imposed in consequence? I find clerks and collectors of poor rates mentioned in the 1st clause. I wish to ask whether these are the only officials who render services in connection with the Parliamentary franchise.

(12.36). MR. A. J. BALFOUR: I am afraid I have not full information to give on the first point, but the charge thrown on the Unions under the Bill will be very small. As to the second question, the definition given in the first line of the clause is actually exhaustive.

DR. TANNER: Will the right hon. Gentleman be able to afford us any information before the Third Reading of the Bill?

MR. A. J. BALFOUR: I will make inquiries. In the meantime I will put down the Bill for this day week.

(12.37.) MR. T. W. RUSSELL: Is it desirable to postpone this stage?

MR. SEXTON: I shall be satisfied if an answer can be given to a question next week. I do not think it is necessary to delay this stage.

(12.38.) DR. TANNER: As my hon. Friend does not object to the passing of the Bill, I will not take exception to it.

Question put, and agreed to.

Bill reported, without Amendment; read the third time, and passed.

NORTH-EASTERN SEA FISHERIES DISTRICT ORDER (LINDSEY).

Resolved, That this House resolves, pursuant to section 1, sub-section (4), of "The Sea Fisheries Regulation Act, 1888," that such part of the Order for the creation of the North-Eastern Sea Fisheries District as relates to any part of the sea or coast lying to the south of a line drawn true east from Donna Nook Beacon, in the Parts of Lindsey, in Lincolnshire, ought not to be in force.—(*Mr. Secretary Stanhope.*)

SUPREME COURT OF JUDICATURE BILL.—(No. 245.)

Lords Amendments to be considered forthwith; considered, and agreed to.

COMPANIES (MEMORANDUM OF ASSOCIATION) BILL.—(No. 114.)

Lords Amendments to be considered upon Friday next, and to be printed. [Bill 407.]

BUSINESS OF THE HOUSE.

On the Motion for Adjournment:—

(12.43.) MR. MARJORIBANKS: When will the Foreign Office Vote be taken?

MR. JACKSON: I am not able to say.

MR. SEXTON: The Chancellor of the Exchequer said the other day that the information for which we asked relative to the contribution of £40,000 to Ireland would be issued in a day or two. We have not yet received that information, and I desire to ask when we may expect it?

(12.44.) MR. JACKSON: My right hon. Friend said it would be given in the course of the financial year, but I do not know that he promised it on any specific day.

MR. SEXTON: He said in a day or two.

MR. JACKSON: I will inquire about it to-morrow.

SIR W. LAWSON: What will be the first business to-morrow?

MR. JACKSON: The Police Bill.

Sir W. LAWSON: That will occupy the whole day.

MR. JACKSON: I hope not.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Saturday, 2nd August, 1890.

The House met at Twelve of the clock.

QUESTION.

THE FOREIGN OFFICE VOTE.

MR. MARJORIBANKS (Berwickshire): I wish to ask when the Foreign Office Vote is likely to be taken?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): I am afraid that I cannot say.

INFANT LIFE PROTECTION BILL.

(No. 142.)

Reported from the Select Committee, with Minutes of Evidence;

Report to lie upon the Table, and to be printed. [No. 346.]

Bill re-committed to a Committee of the Whole House for Monday next, and to be printed. [Bill 408.]

ORDERS OF THE DAY.

RESERVE FORCES BILL.—(No. 272.)

Bill considered in Committee, and reported without Amendment.

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): I hope that I may be allowed to move that the Bill be now read a third time.

Question, "That the Bill be now read a third time," put, and agreed to.

Bill read the third time, and passed.

POLICE BILL.—(No. 392.)

Order for Consideration, as amended by the Standing Committee, read.

Motion made, and Question proposed, "That the Bill be now Considered."

(12.23.) SIR G. CAMPBELL (Kirkcaldy, &c.), who had a Notice on the Paper of his intention to move, "That the Bill be considered on this day three months," said: I wish to state my reasons for arriving at the conclusion that the Bill ought not to be considered at the present time. It is a measure which has been very little discussed, and I do not think that the House ought to be called upon to consider it at a Saturday Sitting. No one knows better the importance of the measure than the Home Secretary. It is a Bill which introduces a bad principle, and its financial arrangements are extravagant to a degree which the House and the country can scarcely realise. The Home Secretary, however, is fully aware of all its defects, seeing that he has had a Report upon it from an actuary of his own choosing. I say advisedly that if the same principle is to be applied to other portions of the United Kingdom the result will be to impose upon the ratepayers an effective charge for the expense of the police very considerably exceeding £2,000,000 per annum. [*Cries of* "Agreed!"] Hon. Members say "Agreed!" Do they think that we are going to allow this Bill to pass without discussion? [*Cries of* "Divide!"] Hon. Members may cry "Divide!" but they will be very much mistaken if they think they are going to put me down. They should remember how they treated one of their own friends last night. [*Cries of* "Divide!"]

*MR. SPEAKER: Order, order! I must invite the hon. Member to confine himself to the Question before the House.

SIR G. CAMPBELL: Certainly, Sir; but, at the same time, I think that the interruptions from the other side of the House are most irregular. I was going to say——

*MR. SPEAKER: Order, order! The hon. Gentleman is out of order.

SIR G. CAMPBELL: I bow to your ruling, Sir; but I was only appealing to you for protection against the interruptions to which I have been subjected from hon. Gentlemen opposite.

*MR. SPEAKER: It is my duty to keep order. I called for order on behalf of the hon. Gentleman, and silence was restored.

SIR G. CAMPBELL: I quite feel, Sir, that I am safe in your hands, and I apologise for having made any suggestion that it was necessary for me to appeal to you for protection. What I was anxious to say was this: That the actuary to whom the Home Secretary referred the

question of cost made an elaborate Report, and explained that under the present extravagant system which exists as to pensions in the Metropolitan Police Force, the expenditure would come eventually to £520,000 per annum, and that the changes which are proposed to be made will increase that amount to at least £600,000 per annum. Broadly speaking, we may take it that the number of the Provincial Police exceed those of the Metropolitan Police by 60 or 70 per cent., and, therefore, if the same system is to be enforced in the provinces, the result will be to give a matured pension system of about £1,000,000 there. I am willing, however, to estimate it at £800,000, so that the two together, the Metropolitan and Provincial Police superannuation allowances will come to about £1,400,000, or, in round numbers, to £1,500,000 per annum. In addition, there are the Irish Police, which already cost £300,000 a year, as against £200,000 for the Metropolitan Police, so that we may safely estimate another £600,000 a year in that case, and, including also the Scotch Police, I think it will be admitted that I am much within the mark when I say that the eventual cost of these police superannuation allowances will amount to more than £2,000,000 per annum. Now, I do not think that that is a matter to be disposed of with a light heart at a Saturday Sitting; nor is it a charge which we can impose to day and alter to-morrow. When once imposed, according to the doctrine of vested interests, it will become an irrevocable charge, and will be settled, like the Old Man of the Sea in the case of Sinbad the Sailor, upon the shoulders of the nation. One great reason why we should refuse to dispose of so important a Bill at a Saturday Sitting, is that neither the House nor the country understands the frightful effect which this proposal will have upon the rates. The constituencies and the Municipal Authorities have had no real opportunity of considering and discussing the measure. Many hon. Members whose constituencies are deeply interested in the question abstain from attending a Saturday Sitting, and the result is that the Government and their majority will be able to do as they like. When I say that the Government will have their own way I do not mean to suggest that it is a wicked Government, or that the Home Secretary is a wicked man, or that he is inclined to do wicked things. On the contrary, I believe that he dislikes this Bill as much as I do, but I am afraid that he does not possess sufficient firmness to enable him to resist pressure. He has "wobbled" in the matter and given away far too much to agitation of the higher officers of the police. He proposes now to concede to the police that which the Committee refused, and I think in a thin house like this that is a very serious state of things. Then again, if the Government rush this Bill through the House without considering the wishes of the Scotch people, they will do much to imperil the Scotch Bill when it is brought forward. That Bill, also, was considered by a Committee in which the Government had a majority. Most of the Members of the Committee were Scotch Members, but even the Scotch Tories upon it were independent, and they managed to alter the measure in various material points. But if this English Bill is carried we shall be told that we cannot refuse to Scotland the gift which has been made to England, with the result that the Scotch Bill will be restored to its original form. I confess that I never liked the Bill, I always thought it a very extravagant measure, and a very centralising measure. When, however, I went into the Committee I gained some additional information, and I was soon satisfied that not only was the Bill extravagant and undesirable, but that there is no reason why we should be in a great hurry to pass it. It seems to me that we require no Bill at all, but simply a declaration as to the manner in which the gift of the Chancellor of the Exchequer is to be distributed among the localities. Why is it that this Bill is pressed forward? [*Cries of* "Agreed" *and* "Divide!"]

*MR. SPEAKER: Order, order!

SIR G. CAMPBELL: I believe the reason is very simple. The Government have altogether failed this year to do anything in the shape of legislation. [*Loud cries of* "Divide!"] I am afraid that hon. Members by these continued interruptions are simply delaying the proceedings. As I was saying, the Government have effected nothing in the

shape of legislation, but in order to show the country that they have done something, they are pressing forward this Superannuation Bill. It is a measure which has been forced upon the Government by the police officers themselves. The Metropolitan officers have combined together to force upon the Government the excessively liberal terms which it is now proposed to give. Hon. Members will have seen a Circular from the Chief Constable at Hull, stating that in the opinion of that gentleman the police require an increase of pay, and calling upon the Members of this House to vote for it. In other cases I believe the Members of the Government have found themselves able to resist pressure of this kind, and I very much wish that the Home Secretary in this instance had shown similar firmness. The doctrine now acted upon appears to be that the country is made for the Services and not the Services for the country. I know I shall be told that this is not altogether the Bill of the Government, but that something of a similar nature was brought in by the late Government at the instance of the right hon. Member for Wolverhampton (Mr. H. H. Fowler), whom I am sorry not to see in his place to-day. No doubt the Bill does bear a certain amount of resemblance to the Bill brought in by the hon. Member for Wolverhampton, but it is a resemblance only. Radical changes have have been made in it, and all of them, without exception, are changes in favour of the police, while none of them are in the public interest. No doubt, seeing the agitation which has been going on, it is desirable that something should be done to settle it, but I deny that this Bill will settle it either one way or the other. I am sorry to see so few of the Metropolitan Members present, but they told the Committee that the men of the police are not interested in the superannuation fund to the same extent as the officers. On the contrary, the men complain that the officers are trying to get this Superannuation Bill for their own ends, and they say that it is not really for superannuation, but for an increase of pay. Therefore, the measure is not likely to settle the agitation on the part of the police, but there will be continued agitation and discontent. There is one question which I wish to put to the Home Secretary. [*Cries of* "Divide!"] I can assure hon. Members that they are only wasting time by endeavouring to interrupt me. The question I wish to put to the right hon. Gentleman is this: He referred the question of superannuation, as far as the Metropolis is concerned, to a strong Departmental Committee, which sat and took evidence. I want to know why they should not report, and why we have not the advantage of the evidence of the eminent Civil servants who were examined? I believe the reason was that the Chief Commissioner of Police, representing the interests of the officers, would not agree to the Report. He insisted upon having his own way, and the result is that we are not favoured with the opinion of the Committee. Then again, the Local Authorities have had no opportunity of expressing an opinion upon the Bill. In the case of my own constituency I sent a copy of the Bill, late as it was in being introduced, down to Kirkcaldy, and asked for an opinion upon it. There was a meeting to consider it, and the reply I got was that the matter was so complicated and difficult that they must decline to express any opinion upon it, and must leave it to my own discretion. I must confess that that is a discretion I am not very willing to exercise. At first I was inclined to blame the Town Council, believing that with the acumen which Scotchmen enjoy they were fitted to express an opinion; but, after re-considering the matter, I have come to the conclusion that, on the whole, they were right, because, although shrewd and able, they are also cautious Scotchmen, and had really no *data* before them upon which they could form an opinion. In the exercise of my discretion on their behalf I appeal to the House not to act hurriedly, but to postpone the consideration of the Bill until adequate time shall have been afforded for its consideration. The Government will, doubtless, say that the Bill has been before a Grand Committee. I admit that Grand Committees are an excellent institution, and I should have been prepared to accept the Bill if it had been referred to a Grand Committee early in the Session, with a thorough opportunity of considering it. But, in this case, the measure was thrown at the heads of the Grand Committee in

the middle of July, when most hon. Members wanted to get away from London, and when, out of the 80 Members who composed the Committee, it was very difficult to get together a quorum of 20. [*Loud cries of* "Divide."]

(12.54.) Mr. LAFONE (Southwark, Bermondsey), rose in his place, and claimed to move, "That the Question be now put."

*MR. SPEAKER: The hon. Member is, no doubt, within his right in speaking on the Bill, but I cannot wonder at the impatience with which the House has listened to him. It must be evident to the hon. Member that he has been for the last half-hour discussing the subject in a manner which it is undesirable to adopt with a measure which has been debated in a Grand Committee.

SIR G. CAMPBELL: I bow to your ruling, Sir. In my opinion the measure is a most important one, and I thought I was within my right in discussing it. But as you, Sir, express an opinion that it is not desirable to discuss it——

*MR. SPEAKER: I did not say so.

SIR G. CAMPBELL: Or, at any rate, that the way in which I was discussing it was not a proper one, I submit at once to your ruling. At the same time, I confess that I fail to see that I have exceeded the ordinary bounds of debate. I had intended to move the Motion which stands in my name on the Paper, but I will do no more than say that the measure is one which introduces radical changes into the system of superannuation; that it adopts in favour of the police a system which is unknown in any other Department; and that we are in danger of passing an ill-digested scheme in a hurry, forced on by the Government majority at a Saturday sitting.

(12.56.) MR. E. ROBERTSON (Dundee): I beg to move—

"That, in the opinion of this House, it is not expedient that police pensions in England should be on a higher scale than in Scotland, and that it is desirable that this Bill be re-committed to the same Committee of the Whole House to which the Police (Scotland) Bill has been committed."

*MR. SPEAKER: It would be out of order to put that Motion, because it contains two very distinct propositions, which cannot be taken together.

MR. E. ROBERTSON: Then I will move the first part of the Resolution—

"That in the opinion of this House, it is not expedient that police pensions in England should be on a higher scale than in Scotland."

I see that the hon. Member for Sheffield (Mr. Howard Vincent) proposes to move as an Amendment to my Resolution—

"That the Scottish police should not be placed, as regards pensions, on an inferior scale to the police of England and Wales."

*MR. SPEAKER: That Amendment will be out of order, because it is impossible in a discussion upon one Bill to refer to another.

MR. E. ROBERTSON: I am much obliged to you, Sir, for your ruling. It is a point which I was going myself to submit. I do not propose to occupy much of the time of the House in moving this Resolution, and it would be most agreeable to me to withdraw it altogether if the Government will consent to postpone the Scotch Police Bill for the present Session, so that, before it becomes law, the people of Scotland may have an opportunity of considering its provisions. After the important Amendment which was effected yesterday by the Chancellor of the Exchequer in the Local Taxation Bill, it will be easy for the Government to withdraw the measure for the present Session, and allow it to go before the Scotch people during the Recess. If there is any hope of the Government accepting that compromise, I will not move my Motion now; but, if not, I am afraid that I shall find myself compelled to move it. Between the Schedules of the Scotch and English Bills, there is a remarkable divergency. I will take that as a basis of fact, and proceed, as I understand the Home Secretary is placing Amendments on the Paper which will have the effect of making this divergency still greater. The proposition which I invite assent to is that it is not desirable that the Police Pension scale should be higher in England than it is in Scotland, for this, among other reasons: that the Members of the Scotch Police, after being trained, are attracted to the English Police Force by the higher pay and the better scale of superannuation. We had thoroughly conclusive evidence to that effect before the Committee from the Government witness, Captain Monro, Inspector General of the Scotch police, who said that it would be desirable to have a uniform scale of pensions between

the English provinces and Scotland. "Why do you say the English provinces?" "Because there must be a superior scale for a part of England other than the provinces." "Do I understand you to mean that the competition comes more from the provinces than from the Metropolis?" "Naturally, because they are nearer." That is evidence so strong, and from a person so well qualified to speak, that I am sure the Home Secretary would not dream, for a moment, of passing it by without an answer. I have had communications sent to me saying that the competition is disastrous to the Scotch Police Force. I wish to refer to the Amendment put down by the hon. Member (Mr. W. F. Lawrence), about which he consulted me, and in reference to which I understand he has official authority. What he proposes is this: that where a policeman removes from a Scotch to an English Force to get the higher scale of pay and pension, the Scotch Authority should have the right of giving him the higher rate. I understand that to be a serious Amendment with official countenance.

*MR. W. F. LAWRENCE (Liverpool, Abercromby): The hon. Member has misunderstood me as to having had official authority.

MR. E. ROBERTSON: If I misunderstood what the hon. Member said, I am very sorry for it. But if that is so, I think it adds to the gravity of the proposition which I intend to submit to the House. I wish the First Lord of the Treasury to consider whether he cannot assent to the Motion to re-commit the Scotch Bill, or whether, at all events, he will not purchase some facilities for the passage of the English Bill by withdrawing the Scotch Bill for the present Session, in order to give the Scotch people time to consider it.

Amendment proposed,

To leave out from the first word 'That,' to the end of the Question, in order to add the words 'in the opinion of this House, it is not expedient that police pensions in England should be on a higher scale than in Scotland.'"—(*Mr. Edmund Robertson.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

*(1.10.) THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): Mr. Speaker, the hon. and learned Gentleman appeals to me whether we will not purchase facilities for the English Bill by the withdrawal of the Scotch Bill. Undoubtedly it would be a great temptation to the Government and the House of Commons to obtain facilities for the passing of a Bill which must become law. But we have endeavoured, with the assistance of right hon. Gentlemen opposite and the Lord Advocate, to ascertain the views of Scotch Members on both sides of the House, and the overwhelming majority have conveyed an expression of their desire to the Government that the Scotch Bill should be passed this Session. I believe only some three or four Scotch Members took the other view. I think the hon. and learned Gentleman will see that, under the circumstances, the Government are bound to meet the wishes of Scotch Members, an important section of the House, on a matter which concerns the security and interests of the Scotch Police Force, and the peace of that part of the United Kingdom. Under these circumstances, I am afraid that I cannot purchase the facilities which the hon. and learned Member offers, and if he and his friends do insist upon protracting the Debate upon this measure, and upon the Scotch Bill which is to follow, I am afraid that the result will be that hon. Members will be subjected to the inconvenience and exhaustion of a further few days' sitting.

*MR. E. ROBERTSON: I only alluded to my own Motion.

MR. W. H. SMITH: The invitation of the hon. and learned Gentleman was of a very clear character, and I think the House will see that it is important, even at the cost of inconvenience to hon. Members, that we should decline the invitation offered to us.

*(1.15.) MR. CHILDERS (Edinburgh, S.): I should like to say a few words in confirmation of what the right hon. Gentleman has said. My right hon. Friend (Sir G. Trevelyan) and I endeavoured yesterday to ascertain the views of Scotch Members. We obtained, as carefully as we could, the views of Scotch Members on this side of the House, and certainly four out of five of them desired that the Bill should proceed immediately after the English Bill. We could only find at the outside about six who held a different view. Under these circum-

stances, and seeing that the Committee has introduced considerable Amendments, and finally put the Bill into a shape for favourable discussion, I hope that the House will not take any steps to postpone unnecessarily the discussion of this Bill.

*MR. SPEAKER: I must remind the House that the question before it is the re-committal of this Bill and the question of making a bargain by giving facilities, for the English Bill is not one which can be discussed, and I hope the House will not pursue that course.

(1.12.) MR. S. STOREY (Sunderland): I certainly shall not pursue that course further. I am extremely glad that the Government will have no trafficking in the matter. Upon the Motion before the House, I can well understand that we English Members ought not to object to Scotch policemen coming in large numbers to England. In the North of England very good policemen are obtained from Scotland because of the better terms offered. But I want to look fairly at the matter. Some of us are extremely anxious that this Bill should be held over, because we believe that, if the opportunity were afforded, we should be able to introduce into the English Bill economical results similar to those which have been achieved by the Committee on the Scotch Bill. I would put this argument to the First Lord of the Treasury: Supposing the Scotch Bill offered as good terms as does the English Bill, does he think that one out of ten Scotch Members would desire the Scotch Bill to pass? The Scotch Members are satisfied with their Bill in its present form, because they have got a very much lower scale of pensions than is proposed in the English Bill. The right hon. Gentleman stated that we may be kept here a few days longer. The right hon. Gentleman is constantly throwing out threats or innuendos, but it is our business to stay here and to see that Bills are put into proper form; and we can trust hon. Members opposite to give us fair-play if we discuss practical proposals in a practical spirit. Our protest is altogether upon the matter of the scale of pensions; and we are certain that if we get the measure referred to a Committee, common sense and economy will exert an influence upon the provisions of the Bill, and that the Bill would be more satisfactory than it is at present, I do not say to everybody, but to many of us. I think I may ask the Home Secretary to give some definite reply, and the point I wish to press upon him is this: that if he had brought in a separate Bill for the Metropolis, which is governed by itself, and a separate Bill for the provinces, giving the latter an uniform rate with Scotland, the Bill would have been in a very much more defensible position than it has assumed. How does the right hon. Gentleman justify giving one scale to counties north of the Humber, and then, directly he crosses the Tweed, introducing another scale? I submit he cannot justify it. He is bound, before we go further, to explain why he does this. We wish so to modify the Bill that the provinces may be treated more equitably than is now proposed.

(1.22.) MR. MARJORIBANKS (Berwickshire): I can quite confirm what has been said with reference to the opinion of Scotch Members on this side of the House as to the desirability of proceeding with the Bill; but it is exactly because I desire this Scotch Bill to pass, and think it an exceedingly good Bill, that I support the Motion of my hon. Friend. I believe the scale in our Scotch Bill is exceedingly reasonable, but we do not consider that the scale in the English Bill is of a reasonable character. We desire that the scale in the English Bill shall be assimilated to the scale in the Scotch Bill, and we consider that to be a very reasonable proposal. The Chief Constable for Edinburgh in his evidence stated that the limited form of superannuation in Scotland told very injuriously against the Scotch Police, because men who resolved to make the Police Service a profession were attracted to England by the better terms offered. I maintain that if you create a new system under which the English Police get a higher scale of pensions than the Scotch Police, we shall find the present difficulties in Scotland intensified. For these reasons I support the Amendment of my right hon. Friend behind me.

*(1.24.) THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): I wish to say a few words on this point. It is a little inconvenient to discuss and compare the English and the Scotch scale of

pensions, but I will assume for the purpose of hon. Gentlemen opposite that the Scotch scale will ultimately be lower than the scale of the English Bill. The hon. Member says that will result in the attraction of Scotch Police to England. But, at the same time, I would point out that to propose cutting down the English scale to the level of the Scotch scale is going beyond the province of a Scotch Member. The maximum scale of the English Bill is no more than what the Metropolitan Police receive at this moment, and is actually less than many of the police receive in the North of England and the West Riding. And at the present moment I would point out that competition exists though there is no superannuation in Scotland. Yet, notwithstanding that competition, no difficulty is found in obtaining a sufficient number of men to fill the Scotch police forces and keep them to their proper complement. Does the hon. and learned Member really ask the House to cut down the English scale by giving the same superannuation as is proposed for Scotland? His argument has utterly failed. But inequality of superannuation is inevitable as between forces. In England several police forces, side by side in neighbouring counties, adopt different scales, within the maximum of the Bill, according to the varying conditions of those forces. You would really throw a hardship upon the Police Forces if you insisted upon uniformity of scale.

*(1.27.) MR. PICKERSGILL (Bethnal Green, S.W.): I think the reasons given by my hon. Friend the Member for Dundee for stopping the progress of the English Bill are of the most frivolous character. Scotland is not substantially affected by the Bill at present before the House. The existing practice with regard to pensions is different in the two countries; besides, the scale of living and remuneration generally is different in Scotland from what it is in England. The hon. and learned Gentleman complains that policemen are attracted from Scotland to England. But, Sir, it is not policemen alone who are drawn to England by the superior advantages and greater opportunities which this wealthier country offers. The Amendment of my hon. Friend does not meet the difficulty which he has raised, because, though he might equalise the pensions, there is no proposal under either of these Bills to equalise the scale of pay; and it is really the superior scale of pay, and not the superior scale of superannuation, which attracts the Scotch Police to England. You cannot have the best men unless you pay the best scale of wages. My hon. Friend proposes to re-commit the Bill to a Committee of Scotch Members, but I can hardly think that he is serious in making such a suggestion. In the first place, such a course would be a gross affront to the Committee on Law, who went most carefully through the Bill; and, secondly, to re-commit an English Bill to a Committee exclusively composed of Scotch Members would be a ridiculous inversion of the principle of Home Rule, to which I thought my hon. Friend adhered.

*MR. SPEAKER: The hon. Member is out of order.

*MR. PICKERSGILL: Then I will only make a very strong protest against the idea that the Bill should be re-committed at all.

(1.31.) MR. ATHERLEY-JONES (Durham, N.W.): I am afraid from what the Home Secretary has stated that under this Bill there is to be a distinction drawn between the scale of pensions obtaining in the various provincial forces in this country; and the right hon. Gentleman argued that, as such a difference was to obtain throughout England, there can be no objection to its obtaining in Scotland. The difference in the scale of pensions in different places in England may be very small, but the difference of scale between England and Scotland is very large. There has been an agitation among the Scotch Police for the purpose of assimilating their scale of pensions with that in England. That is a serious matter; and the agitation will be continued, especially as the scale is not hereafter to be fixed by the Local Authorities, but has been fixed, or will hereafter be fixed, by the Imperial Government. The Home Secretary has made a somewhat extraordinary proposition. He says, "I object to a cast iron system," and yet he is the first to propose such a system; he has proposed perfect equality of pensions throughout the provinces.

*MR. W. H. SMITH: No.

MR. ATHERLEY-JONES: Well, I certainly took that to be the proposition of the right hon. Gentleman. I understood there was to be no discretionary power vested in the municipalities; but if that is not so, then, of course, I am mistaken. I will not trespass further on the time of the House. I think that in the circumstances, the Amendment of my hon. Friend deserves more consideration than the cavalier treatment which it has received at the hands of the Government, and I hope it will be pressed to a Division.

(1.35.) MR. JAMES ROWLANDS (Finsbury, E.): I have listened in vain to hear any justification for the position which the Scotch Members have taken up on this matter. If an English Member had moved such an Amendment with reference to a Scotch Bill, the Scotch Members would certainly have charged him with incurring a serious responsibility, and with paying them a very poor compliment. If such an Amendment to the Bill had been moved by an English Member, the Scotch Members might legitimately have approved and supported it, as we have supported them in the action they have thought best to take on Scotch questions; but it is scarcely for the Scotch Members to take the initiative, especially as they have pretty well secured their own way with regard to their own Police Bill. We are bound to deal in a generous and liberal spirit with our Police Forces; and, therefore, I shall support the Bill, because I conceive that the Amendment proposed by the hon. Member is not conceived in the interests of these most useful bodies of men. The system prevailing in England is entirely different to that which obtains in Scotland; and unless the Scotch Members are prepared to carry their principles still further and say that in all things a common basis shall exist between the two countries, their position is illogical.

(1.39.) MR. JACOB BRIGHT (Manchester, S.W.): I am not prepared to support this Amendment simply because the pension scale in Scotland is lower than the English scale. If it can be shown that the pensions in England are unnecessarily high, and that there are grave reasons for reducing them, I shall be prepared to listen to such arguments, and to act accordingly; but to move to reduce pensions in England simply because the Scotch scale is lower is unreasonable, and I therefore hope that the Government will adhere to their Bill.

*(1.40.) CAPTAIN VERNEY (Bucks, N.): I do not think the Metropolitan Members can be aware of the increased burden this Bill will throw upon the rates. According to the calculations of Mr. Finlaison, the Actuary to the National Debt Office, the present annual charge for superannuations for the Metropolitan Police alone, is £197,000; but if the Bill is carried, the charge will be according to Mr. Finlaison's calculations £565,000 a year, nearly three times the present amount. I very much regret that the Government should have resolved to press it forward at this late period of the Session when it cannot be fully discussed by the House. Though I am favourable to the general principle of the Bill, yet I would suggest to the Government that the better and wiser course to pursue is to postpone the Bill to next Session, in order that the County Councils may have an opportunity of considering it. I am confident that such a course would result in the improvement of the Bill. A sum of £850,000 will have to be raised out of the rates over the country outside the Metropolis in order to meet these additional police pensions, towards which pensions the Government are only giving £350,000. These figures are startling and alarming, and, therefore, the Government ought not to press the Bill forward at this late period of the Session. This enormous burden ought not to be imposed on the rate payers without the County Councils first having an opportunity of considering the provisions of the Bill.

*(1.43.) MR. T. H. BOLTON (St. Pancras, N.): I hope that, as the matter has been thoroughly discussed in the House and afterwards in the Standing Committee, the House will not be put to the trouble of dividing on the Amendment. It is not right that the House should now be delayed by a Second Reading Debate on the Bill. The question raised having been fully discussed ought not now to be revived. The hon. Member for Sunderland was on the Standing Committee, and if his views were not fully considered there it was not his misfortune, but his fault. He generally takes very good care to have questions adequately discussed on Committees of which he is a Member.

I make the same observations with reference to the hon. Gentleman the Member for Kirkcaldy. I rise for the purpose of protesting against the obstructive policy and tactics which are being pursued apparently in order to prevent the House from getting to the business for which hon. Members have been called together to-day. I recognise the efforts which the Government have undoubtedly made to deal with the question. There is a strong feeling among Members generally that this police superannuation question should be dealt with and settled as soon and as satisfactorily as possible; and as I believe the Government are acting on these lines in the matter, I shall give them all the support I can to get the Bill passed.

(1.45.) SIR G. CAMPBELL: I have already expressed an opinion that the Superannuation Bill is required for Scotland. If the Government will drop the English Bill we will give them facilities for passing the Scotch Bill. I do not wish to put any obstruction in the way of the latter, but I wish to point out that if you give the English policemen advantageous terms, you will interfere with the market supply of policemen for Scotland. I think the Home Secretary has placed the matter in a false light. He says that already many provincial forces have better terms than those proposed in the Bill. That may be so as regards the maximum, but it is the minimum proposals to which we object. I shall support the Amendment of my hon. Friend.

*(1.48.) MR. CHILDERS: I, and my right hon. Friend the Member for Bridgeton, who acted with me, assumed that the hon. Member was opposed to the prompt discussion of the Scotch Superannuation Bill; but if the hon. Member is not, then that fact further supports the contention that the majority of the Scotch Members are in favour of the Bill following the English Bill.

MR. E. ROBERTSON: May I ask whether the right hon. Gentleman will say what the question was which he put to Scotch Members?

(1.50.) The House divided:—Ayes 137; Noes 20.—(Div. List, No. 220.)

Main Question put, and agreed to.

Bill considered.

*(2.13.) MR. MATTHEWS: I have to submit a clause which a few words of explanation will make plain to the House. When the special constables were last called out, they could only act in the City if appointed for the City, or in the Metropolis if appointed for the Metropolis. This clause is to enable the special constables sworn in before the Metropolitan police magistrates to act in the City and in the Metropolitan Police District.

A Clause,—Provision as to special constables,—(*Mr. Secretary Matthews,*)—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

(2.14.) MR. HUNTER (Aberdeen, N.): I cannot say that the explanation given by the right hon. Gentleman is satisfactory. It seems to me a very extraordinary thing that such a clause should be proposed in a Bill which has to do with pensions, and only with pensions. ["No, no!"] At all events, this clause ought to have been introduced, if at all, at the Committee stage. I should like to know what is the necessity for introducing this clause. What is the object in view? We have got on tolerably well for centuries without this power, which seems to me entirely unnecessary.

Question put, and agreed to.

Clause read a second time, and added to the Bill.

*(2.16.) MR. MATTHEWS: The next clause can be explained in a few words. Under an Act of George IV., the Receiver for the Metropolitan Police District is a person through whose hands pass all moneys that go to the Metropolitan Police. The statute requires the giving of a bond. The system of bonds is altogether obsolete, and the Treasury do not require them even in cases where there is responsibility. The money is no longer paid as it was, and the bond has become absolutely useless.

A Clause,—Provision as to Receiver of Metropolitan Police District,)—(*Mr. Secretary Matthews,*)—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time.

*(2.18.) MR. CHILDERS: May I ask the Home Secretary whether he has concluded his inquiry into the duties of the Receiver, some of which are altogether archaic, and quite unsuited to present financial arrangements. I quite agree that he has no monetary charge or responsibility.

*(2.20.) MR. MATTHEWS: I have been for some time considering these points, and I hope during the recess, and so far as I can without legislation, to introduce a number of improvements.

(2.20.) MR. STOREY: As I understand the matter, the Receiver will be in the same position in London and in the Provinces. So far, that is satisfactory. I note the fact that the right hon. Gentleman takes more time to explain an Amendment of his own than he does to reply to serious arguments.

Question put, and agreed to.

Clause read a second time, and added to the Bill.

(2.21.) MR. STOREY: In moving my Amendment, I may have to touch upon matters upon which I expressed an opinion on the Second Reading of the Bill, the only opportunity I have had. My objection is altogether one of principle. I object to the whole system and method of pensions as applied to persons who are not the direct servants of the State at any rate. If it were necessary to enter into the larger question whether a system of pensions is good for the country in respect to its officials, I should be prepared to discuss that, but I have not at the moment any intention of discussing other than the precise point to which I take exception. I take the liberty of pointing out to the right hon. Gentleman that in this Bill he is taking a very serious new departure. I am not going at any length into objections I have urged before, but I tell the right hon. Gentleman frankly that, in my judgment, and, I think, in the judgment of any sober-minded man who considers this matter seriously, he is introducing, in a deliberate manner, a precedent of State Socialism in this country with respect to others than the direct *employés* of the State. It may be wise or not to adopt such a policy, but at any rate it is serious, and, speaking from my own point of view, it is an extraordinary fact that a Conservative Administration which calls itself the Guardian of the Constitution, should have taken this very serious step. The right hon. Gentleman proposes to put the whole Police Force of this country in a better position, as regards pensions, than even the soldiers in the National Army. He proposes in this first clause that the men who have completed 25 years' service shall have pensions by right; in the second place, that a man who has completed 15 years' service, and is incapacitated by infirmity of mind or body, upon medical certificate, shall be entitled to a pension; thirdly, that before the completion of 15 years' service on being incapacitated he shall receive a gratuity; and fourthly, that if a man becomes incapacitated in the performance of his duty within a month after he has entered the Service, through injury received in the execution of his duty, and not through his own default, then he is entitled to receive a pension for life. Now, it must be admitted these are very serious proposals to make. If they were proposals affecting a limited body of men, they would be serious, but they will affect an army of no less than 38,000 men; in other words, you propose to add to an enormous army of pensioners from the Public Service another enormous army, the majority of whom are in no sense the servants of the State, but are the servants of municipalities. The right hon. Gentleman does more. He not only for the first time commits the State to the pensioning by right of a large army of men other than servants of the State, but he absolutely gives to this favoured class better terms than the State gives to its own servants. Let me refer to the two great classes of pensioners from the Civil Service and the Army. The right hon. Gentleman will not deny that the rate he gives to the policemen under this Bill is considerably higher than the ordinary rate for Civil servants. That, of course, is a matter beyond argument; it is admitted in all considerations of the Bill, and in the voluminous Report of the Departmental Committee this point is particularly dealt with. The police are asked, "Do you know that Civil Servants have neither the same amount of pensions you ask, nor are they pensioned at the same time?" The police

answer, through their officers, "Certainly they have not, but you must remember what our life is, our service is more serious, more burdensome, more dangerous, and, therefore, we are entitled to larger pensions." Well, I am not disputing facts, I am only bringing out this point, that the right hon. Gentleman, for what seem to him good reasons, no doubt, is distinctly giving to other than public servants larger pensions, on more favourable terms than the Civil Servants of the State get. I put it to the House—or this remnant of the House—that this is a new departure, fraught with infinite risk of expenditure to the country, and which, I think, cannot but result at no distant date in Socialistic proposals against which I should be a strong supporter of the right hon. Gentleman, for I do not believe he is a Socialist to the extent to which this principle of State pensions may be pushed. If we grant to policemen, who are not the servants of the State, larger pensions and better terms than are granted to the great body of Civil Servants, how does the case stand as regards soldiers? It will not be denied that, to put it mildly, the duty of a soldier is more hazardous than that of a policeman. It may not be at certain periods of his life, but I put it to the right hon. Gentleman who, by his manner, rather seems to dispute my proposition, would he say that, taking an ordinary soldier in any of the marching regiments, with his chance of having to engage in warlike operations and subject himself to all the risks and privations of a campaign——

SIR G. CAMPBELL: And climates.

MR. STOREY: And bad climates—will he deny that the risks and dangers to life and health are greater than those encountered by an ordinary rural policeman? But the right hon. Gentleman is going to pension an ordinary rural policeman in a country village on much better terms than the soldier whose duty it is to suffer and risk death for the State, in any quarter of the globe! How does he justify that? Now, first of all, you do not grant any pensions to your soldiers at all—no, not the ordinary soldier. I am sometimes inclined to think that when the House sees the sum total of £1,500,000 for military pensions, it does not realise what it means. I daresay a good many good-natured kindly folks think that every soldier—that the ordinary Tommy Atkins—gets a pension. Nothing of the sort. Your captains, colonels, and majors get pensions; the ordinary soldier is not entitled to a pension. Now, I put the point very seriously: first of all, the soldier is not entitled to a pension; secondly, if he serves for 21 years he brings himself under the Pension List, and the pension you grant him is a mere bagatelle compared to this pension you propose to give to a policeman. What is the reason? Where is the justification for giving better terms to the policemen than to the soldier? Then I put another case, and to me it seems a very serious case. I am not unwilling that you should be generous towards the police, though I say that should be displayed in pay, rather than in pension, but I put this practical point to the Home Secretary: If a man joins the force, and within a month is injured in the execution of his duty, or within any limited period, it may be a month, it may be a day, he is then entitled to a pension for life. Now take the case of a soldier, who has promised to serve for seven years. He goes to war, and if he dies in consequence of wounds received from the enemy, I admit his family are entitled to a pension, but if he comes home, or goes to an invalid station, and dies in pain and anguish, after illness arising from the hard life of the campaign, his wife and children under the law that governs pensions are entitled to nothing but a simple gratuity which may be given or refused. That, I suppose, you think fair to the soldier? That is the point of my argument. ["No!"] But it is. That is what the State by law regards and decrees to be fit and proper treatment for the soldier. It is always an advantage to put a concrete case. I know a case of a man who served in that unhappy Zulu War, and in the fight at Isandula, where one of our regiments was cut up. This poor man was not killed in the action; he escaped and was sent to Port Elizabeth, where he died of exhaustion induced by the hardships he endured in the campaign. His wife was with him, and, at the expense of the State, she was sent home, and, not unnaturally, she expected that her case would receive some consideration at the

hands of the authorities. But no help was given her because her husband was not killed in action, but died of exhaustion that followed, and under the regulations, which are thought sufficient, the widow was not entitled to State assistance. As a matter of fact, she got nothing. A good deal of sympathy was evoked for her, and ultimately this poor woman applied through a Member of Parliament to be sent back in a troopship to Port Elizabeth, where she thought she had an opportunity of getting a living. The circumstances were put before the Government that her husband had died of hardships endured in the war, and the request was made that she might be permitted to go out in a troopship, and the answer given by a right hon. Gentleman who sat on that Bench under a former Government, was that he was sorry that he had no money to do any such thing, and that moreover it was against the regulations. Well, that is the way we treat our soldiers, but the point of my argument is, if you consider this fair as applied to the case of a soldier, how is the case of the policeman? Here is a man who stays at home at ease, and you propose that if he meets with an accident in the carrying out of his public duty he shall be entitled to a pension for life. Now, I put it to the Home Secretary, what business has he to decree to a municipality that it shall carry out such a regulation as that? He does not provide the money; the municipality does that. One part of my objection is, that if we have to pay, as we shall have to pay, we do not want to have Home Office instructions as to what is fair and just in any such case, Why does he want a cast-iron system? Cannot he trust a municipality to deal with its own servants? Your proposed pensions to policemen are to be on a more magnificent scale than the best of their countrymen in the Civil Service. Of course, I do not mean to say that you are going to treat the police better than a certain pampered class of the community—it would be too much to expect that. If I were to enter into this controversial matter, I should provoke heat I desire to avoid, but I am within my right if I say that it would be instructive were I to show the methods the right hon. Gentleman, and such as he, pursue in dealing with a certain pampered useless class of officials. But I pass from that. I maintain that it is now proposed to treat policemen on more liberal terms than the Civil Service, and to give them better pensions than we give our soldiers. I was amazed to see the right hon. Gentleman's sign of dissent as I contrasted the life of a soldier and a policeman, and said the duties of the former are more dangerous. Now, if the right hon. Gentleman were dealing with the London policemen alone, I should not be disposed to indulge in any controversy with him. I can realise the bitter hardness of the life of a London policeman. I know what it means perambulating these huge and monstrous streets, spending nights and days in what is very serious duty. If the Home Secretary had said owing to the exceptional position of the Metropolitan Police, the character of the duties they have to discharge, the wear and tear of body and mind, he proposed exceptional pension arrangements, then, although I am very much opposed to the whole system of pensions, I confess I do not think I should have the heart to oppose him. But I complain that the Home Secretary will persist in allowing his experience of London to govern his settlement for the whole force of the country. Now, I speak to many Members who live in the country, and I ask them: What is the position of the rural policeman? He lives in a village; he has, perhaps, now and then a drunken man to look after; he is looked up to by the villagers as a little god; he is held in the greatest respect by all the decent, quiet people, and even the well-to-do people, if they do not feel an awe of him, treat him with respect. I know, in my electioneering experiences in Durham, in village after village I found the local policeman a sleek, rubicund, comfortable-looking sort of man, evidently not over-worked in body or mind, and better known in the locality than anyone else. Does anybody say that he leads a life of exceptional hardness? And this man, in the prime of a healthy, comfortable existence, the Home Secretary decrees shall be pensioned by the public! The proposal is so utterly unreasonable that I believe if the right hon. Gentleman had taken the time and trouble to ascertain the opinion, not of the big-wigs of localities, not of Magistrates, who

are mad after pensions, but the opinion of representatives of ratepayers I think he never would have made such a proposal. If this Bill passes, this is the position we shall have in Sunderland within a brief period of time. We shall have some 100 or 120 ex-policemen of ages between 50 and 55 walking the streets of the town, each one in the possession by right of a pension of £50 or £60 a year. This may not appear a very serious matter to hon. Gentlemen around me, it is not a large sum, but think of the fact that in that town of Sunderland at the same time there will be 10,000 men, each earning no more upon an average than these policemen get for a pension, and each one contributing towards those pensions. Will not every intelligent man among the working community of Sunderland ask himself the question, "What is it that these men have done for the State more than we have done that we should pay them £1 a week or more for life? He has served the State by doing duty to his employers for wages paid, and we have served the State by doing our duty to our employers." And the demand will grow to be imperative upon the successor to the Home Secretary and this House that if we carry the system of pensions out of the Public Service and into private service then the system should extend beyond policemen to all the working-classes in the country. That is the inevitable and logical result of this proposal. If this were January or March instead of August, and the right hon. Gentleman were compelled to deal in argument with this question, I think there are a great many hon. Gentlemen nearer to him than I am now would demand some more satisfactory reasons from him than he has yet given. I admit that in August it is very difficult to induce hon. Gentlemen opposite to apply themselves to the consideration of the legitimate outcome of their own action, the creation of a system of pensions for the whole of the poorer classes of this country. How, in the day when the demand is made, can we conscientiously resist it, having conceded the principle here? So long as I live I must remember that it was this quiet self-contained Home Secretary to a Conservative Government who, with little opposition, induced the State to adopt this system, of State Socialism in the matter of pensions for the poorer classes. Now, I am pleading all this time for some separation between the Metropolis and other parts of the country. I confess I was very much struck in reading, as I have done very carefully, the notes of the evidence given before the Departmental Committee of 1889, with the following question and answer:—

> "Since then," said one gentleman questioning a witness, "the Government of which he was Home Secretary (that is the right hon. Gentleman the Member for Derby) brought in a Superannuation Bill?" "Yes," said the witness, "but the Metropolitan Police were very much disappointed with that Bill." (That is the Bill of 1872.) "It did not apply only to the Metropolitan Police, as the men fully expected it would do. It applied to every borough and county throughout the country, and the men, rightly or wrongly, believed that if the Bill had been brought in for the Metropolitan Police only it would have passed."

I agree that the Metropolitan Police have reason to complain that their claims were mixed up with those of the police all over the conntry. In my judgment the Home Secretary would have been wiser if he had introduced a Metropolitan Police Superannuation Bill, and if he had I do not think he would have been sitting there on the first Saturday in August listening to my voice, or any other voice, in opposition to his proposal. I say, giving up the point whether there should be superannuation or not, if he will have superannuation then he ought to separate London from the rest of the country. I will not labour this, because I have an Amendment to propose on the point, which I shall have to briefly present to the House; but there is one point I forgot to mention in dealing with the superannuation of policemen. I should like the Home Secretary to furnish me with an answer to a question which will be put to me by my constituents. I shall have to tell them we have pensioned the police. Now, I shall have to put in an appeal, representing a shipping community, for the sailors of the country. If you superannuate the police, and provide for their old age, as of right, why not do the same for sailors? The right hon. Gentleman seems to think that is a horrible proposal, yet I can convince his judgment that he ought to do it, by legitimate argument, and one with great force in it. Why pension the police? Because, he says, they are the servants of

municipalities, and maintain order. That is the right hon. Gentleman's reason, he can give no other. Well, I plead for the sailors of the Mercantile Marine. It will not be denied that their lives are as hard, and their risks as great, as the lives of policemen. What does the right hon. Gentleman reply? "Oh, but they do not serve the State, nor do they serve municipalities." Sir, the point I enforce is that they serve the State much more directly than policemen do. Whence do you draw your men for your Royal Naval Force, when war breaks out, if not from the Mercantile Marine? If the Mercantile Marine should go down in numbers and efficiency, where is your reserve of men when you engage in warfare with another nation? On that ground it is hard to say what class has a better claim to pensions than the class I venture to say a word for, and shall have more to say for in the next Session of Parliament. Here is what a police witness said before the Departmental Committee, and it is well worth notice. The witness is asked why the police have a special claim for pensions, and he replies—

"I have seen a great deal of night work myself, and I say there is only one class of men at all to be compared with policemen, and that is sailors in the Merchant Service. I have seen sailors in many ports, and you will find that sailors at 50 are old men, and the reason is exposure at night to all weather, and want of rest at night."

That is evidence in support of a Bill I hope next year to introduce to provide for the superannuation of sailors of the United Kingdom. Their life is hard, and they are absolutely necessary for the defence of the country. As briefly as I could, I have put the reasons why we should not accept this clause, and I venture a further reason. I have read the evidence before the Departmental Committee. The questions were numerous and searching, and the answers give an enormous amount of information to those who wish to master the facts, but can the Home Secretary tell me why every one of the witnesses summoned was an officer high up in the Police Service? Look through the list, you find Head Constables, Inspectors, Sub-Inspectors, and Superintendents, but not a single witness from the rank and file. If we had the evidence of the rank and file, I think we should give a very different idea of what the wishes of the London police are. From what I can gather, what the ordinary policeman of London wants is not pension but increased pay. The witnesses called before the Committee were in the position of officers in the Force, old men whose lives were running out, and who, naturally, would think of pensions. Therefore, it comes to pass that the Committee, in attempting to get the opinion of the police of London, really succeeded in obtaining the opinion of the old men, and so the stress is laid on pensions at a certain age. But I believe, in fact I think I may say I know, that if the younger men had been summoned, they would have said, "To us pensions are a secondary matter; the main thing is a considerable increase in pay." Those who think this Bill will settle the matter are greatly mistaken. I must pay the right hon. Gentleman the compliment of saying he does not think it will be a settlement. He has honestly told us the inevitable result from an economical point of view; he has warned us. From the moment we settle this matter of pensions, an agitation will arise for increase of wages. It is not the time for me to argue if this will be a fair demand or not, but if the Metropolitan Police are dissatisfied with their present wages, and if they do ask for an increase and obtain it, every penny of that increase will have a direct bearing upon this Bill which we are passing, because increase of pay means a larger burden for pensions on the ratepayers. I, for my part, have been extremely thankful to the right hon. Gentleman. I belong to an old-fashioned economical school, and I have never once taken part in putting any pressure on any Government, or any Member of a Government, on behalf of Government servants, as against the public at large. Neither the late Government nor the present Government can charge me with that. I stand here as the guardian of the public purse as against private interests. I do not stand here as the champion of the police. I say our duty is not to involve the public in burdens unless we are righteously convinced that they are proper burdens, and when we are so convinced it is our duty to make those burdens as light as possible to the taxpayer. It is on that principle that I raise opposition to this Bill. I have

only one thing to resent in the discussion this afternoon. My hon. Friend, who is now sitting above me, has talked about obstruction. Sir, there has been no obstruction, and there will be no obstruction, but if right hon. and hon. Gentlemen think that there will not be honest and fair discussion, with due regard to the gravity of every point of the Bill, they are very much mistaken. My hon. Friend was unjust to us, and if he does not rise in his place and publicly apologise, I shall not have the same opinion of him that I have entertained hitherto. May I ask him what are the facts as to this Bill?

*MR. SPEAKER (interrupting): The hon. Member is dealing with the whole principle of the Bill, and, in pursuing that course, is not in order. The question before the House is that the clause stand part of the Bill, and I must request the hon. Member to confine himself to that.

MR. STOREY: I am afraid I was going beyond the question immediately before the House, because it is extremely difficult to deal adequately with a whole clause like this, involving, as it does, the principle of the Bill, without being somewhat profuse. I have given reasons why we should omit the clause altogether, and if the House—as I am afraid will be the case—willingly, and with its eyes open, embarks in a scheme of State Socialism, I can only say I have made my protest; I can do no more. I shall then move my Amendment to exempt from the operation of the Bill those municipalities that wish to be exempted.

Amendment proposed, in pages 1 and 2, to leave out Clause 1.—(*Mr. Storey.*)

Question proposed, "That the words 'Subject to the provisions of this Act every constable in' stand part of the Clause."

(3.5.) MR. MATTHEWS: I hope the hon. Member will not think me wanting in courtesy if, in answering his speech, which has lasted three-quarters of an hour, I content myself with a very few remarks. The hon. Member on his part was wanting not only in courtesy, but in humanity, to the House, in inflicting on a Saturday morning——

MR. STOREY: Where was the humanity to me?

MR. MATTHEWS: I did not interrupt the hon. Member. I said he was guilty of even inhumanity, in inflicting on the House, on a Saturday morning, a speech which was a Second Reading speech on topics which have been discussed three or four times, and which have been re-introduced because the hon. Member's hostility to the Bill induces him to have recourse to every method he can adopt in order to stay its progress. I will content myself with saying that every proposition on which the hon. Member based his argument is totally inaccurate. He seems to assume there is an amount of ignorance on this subject of police superannuation which passes the bounds of credibility. The hon. Member talks about introducing, for the first time, a system of superannuation of an extravagant character, which he assimilates to State Socialism. Does the hon. Member not know that since the Police Force began there has been a system of police superannuation in force, under which, by the permission of Parliament, larger superannuation has been given to the police in many parts of England than this Bill proposes? In talking about State Socialism as he does the hon. Member is trifling with the House.

MR. STOREY: Allow me to explain.

MR. MATTHEWS: I must decline to give way. The hon. Member talks about State Socialism.

MR. STOREY: I did not speak in the sense the right hon. Gentleman imputes to me.

MR. MATTHEWS: I say that in using such language the hon. Member is trifling with the House.

Mr. STOREY again rose.

MR. MATTHEWS: I must decline to give way. I did not interrupt the hon. Member, although he spoke for three-quarters of an hour. I say that the hon. Member has trifled with the patience and indulgence of the House.

MR. CONYBEARE (Cornwall, Camborne): Withdraw.

MR. MATTHEWS: I must decline to discuss again matters which have already been debated twice in the House and once in the Standing Committee.

MR. STOREY: The right hon. Gentleman has misrepresented what I said. I said that for the first time the State

was introducing a compulsory system of police superannuation in the Municipalities, and that is true.

(3.11.) SIR G. CAMPBELL: The hon. Member for Sunderland has put his case so forcibly that I will not go into it, even though there is a conspiracy of silence on the part of the Government, to which conspiracy expression has just been given by the right hon. Gentleman the Home Secretary. The hon. Member for Sunderland has compared the case of the policeman to that of the soldier; that there seems to be a doubt whether the risk of the policeman is not greater than that of the soldier. Perhaps the risk of being killed in battle is as great to the policeman as to the soldier; but the fact is that soldiers, unlike policemen, have to go on foreign service and face tropical climates. [*Cries of* "Divide!"] The life of a private soldier in India is one of extreme hardship. [*Renewed cries of* "Divide!" *and interruption.*] Military Members will bear me out when I say that it is the rarest thing in the world for a soldier to get through his 21 years' service without being invalided for a time; and when he has done that he only gets 1s. a day, or one-third of the amount it is proposed to give the police. [*Renewed cries of* "Divide!"] I see the Home Secretary adopting the tactics of hon. Members behind him——

MR. MATTHEWS: Hear, hear! Divide, divide!

SIR G. CAMPBELL: I think we have reason to complain that the Home Secretary refused in Committee to do that which has been done by the Scotch Committee, and that is to define the word "constable." [*Laughter.*] The Home Secretary may laugh, but the word has a popular and technical meaning, and the evidence shows that a mere constable, as distinguished from an officer, rarely serves for 25 years. In many cases he gets promoted and ceases to walk the streets, and in many other cases he retires on a medical certificate. [*Renewed cries of* "Divide!"] Under the present system a man, under ordinary circumstances, cannot retire until he has reached the age of 60; but under this Bill he may retire at the age of 43. Though I know the case is hopeless, I feel bound to make this protest.

(3.14.) MR. CONYBEARE: I am not surprised at the impatience of the right hon. Gentleman the Home Secretary, seeing that this is Saturday afternoon; but, so far as I myself am concerned, no one can accuse me of having unduly trespassed upon the time of the House. This is the first occasion on which I have ventured to open my lips on the Bill in the House, and I had not an opportunity of speaking on it in the Standing Committee. Therefore, the taunt the Home Secretary addressed to the hon. Member for Sunderland will have no application in my case. I am expressing the sentiments of my constituents in opposing the policy of the Government in this matter. I have received from my constituents a direct mandate to oppose this measure. I do not think that the manner in which the Home Secretary met my hon. Friend the Member for Sunderland reflects great credit upon the right hon. Gentleman. It was discourteous to the House, and we have in a matter of this moment a right to look for a little more courtesy from the occupants of the Treasury Bench. The Home Secretary has refused to answer the very weighty arguments which have been advanced in this matter, and it is a new departure when Ministers of the Crown, whose duty it is to listen to and meet arguments, simply sit in their places and cry out "Divide" when hon. Members are speaking. The right hon Gentleman has the assurance to accuse the Member for Sunderland of trifling with the House because he spoke for three-quarters of an hour. Well, the right hon. Gentleman himself trifled with the House in misrepresenting the arguments of my hon. Friend and refusing to allow my hon. Friend to correct him. As to this clause I object to its principle on two grounds. I am not going to argue whether this is a departure to State socialism, for I am willing that we should have State socialism if it is to the interest of the community at large. But I think this clause ought to be hotly opposed by every Radical and Liberal Member, because it embodies the principle of the control of the police of the country by the State, which principle we fought against most vehemently during the passage of the Local Government Act in 1888. If there is one principle more than another dear to Radicals and Liberals it is that the Representatives of

the people should have the control of their own police. What was it that gave so much importance to the action of Sir Charles Warren in Trafalgar Square? Why, the burden of our cry was that the elected Representatives of the people on the County Council should have control of the police. One strong argument advanced in favour of the Metropolitan Police being released from the control of the Home Office was that the City Police were entirely under the control and management of the elected Representatives of the City.

*MR. WHITMORE (Chelsea): I rise to a point of order. Is the hon. Member now addressing himself to the Motion before the House?

*MR. SPEAKER: No, I cannot say that the hon. Gentleman is addressing himself to the question before the House.

(3.22.) MR. CONYBEARE: I am supporting the Motion to omit Clause 1 on the ground that this clause establishes the principle of pensions to the police, and my reason for objecting to pensions being given to the police under this clause is that it involves the principle of control of the police by the State. I merely introduced the question of the City Police as an exemplification of my argument. Another reason why I object to the clause is that pensioned policemen will be able to compete on unfair terms in the labour market with other citizens in a similar position to themselves. I do not care whether the age is 46, or 50, or 55. I imagine that, unless a man can be shown to have sustained either mental or bodily injury in the course of his duties in the force, no one will venture to assert that a man of 55 is necessarily a decrepit old man, who should retire from the public service in receipt of a pension. If such a rule were applied to Members of this House, I should like to know how many of us would be regarded as capable of transacting the business of the State. Well, men with pensions will be able to take at merely nominal remuneration those posts which require trustworthiness and honesty, and so be able to undersell others. The fact that the system of pensions will necessarily establish control by the central Government over the police constables throughout the country may lead to very grave friction and discontent among the force. We will suppose that a great strike question has arisen in London or elsewhere. I do not say that it may not be the duty of private employers, or of the State itself to call on the authorities to provide the necessary Police Force in case of an emergency; but I do say that as the pensions to be given to the police under this clause would be granted to the Police Authorities of this country, they will very much depend on the satisfaction given to the Home Secretary and the Government by the way in which the police are managed and controlled; that is to say, that practically the Police Force will not be under the control of the Local Authorities, but will, to a large extent, be controlled from head quarters. I maintain that, in case of the police being called upon to take part in any such crisis as I have indicated, there would necessarily be considerable resentment on the part of the workpeople who were interfered with by the Police Force. There would be, on their part, a strong feeling of dissatisfaction and discontent, arising from the fact that the Police Force, controlled to a great extent by the Government, was being used adversely to their interests, and in the interests of their employers. It seems to me not unlikely that, if any such combination of circumstances should arise, there would be a strong feeling of dissatisfaction and resentment against the Force, and, consequently, that the moral power which should reside behind the Force would lose its effect, so that the authorities would eventually have to fall back upon that group of Military Forces which every Government can, on an emergency, call into requisition. Hitherto, we have been proud to rely on the assurance of the moral power which backs up the Executive Authority — a moral power created by the belief that they are acting in harmony with a feeling of the great body of the citizens. It is this which has controlled public opinion in times of great excitement, and I venture to say that if it were felt that there was nothing behind the bare use of physical force, and that the moral power which has hitherto supported the authorities was wanting, we should be in danger of very serious disturbances in this country. It has been argued that the police discharge more arduous and dangerous

duties than are performed by any other body in the community. They have been compared with our soldiers and sailors. I am not going into the arguments that might be used on this point. But I must say, from my own knowledge of the conditions under which another class of our fellow-subjects have to labour—I allude to our miners in particular—the accidents and incidents of danger to which they are constantly exposed render their peculiar calling much more difficult and dangerous than that of the police. I need hardly appeal to the recollection of hon. Members in order to awaken their sympathies with a class of men who are subjected to the terrible calamities which constantly overtake the men beneath the surface of the earth. I believe I am right in saying there is not a day that passes without some grave accident, involving either loss of limb or loss of life to the poor fellows employed in our mines. Therefore, I say that, if you ask for pensions for the police on the ground that their calling is more dangerous than to our soldiers and sailors, you will have to face the question of extending the pension system to other classes who are, as I have shown, engaged in much more perilous occupations. But I will take another case—the case of the dock labourers and gas stokers employed throughout the country. What answer would you make to these men, who are employed a larger number of hours, and in much more arduous work, than the police, if they also claim a right to be pensioned? With regard to the gas stokers, I may mention the case of one of my constituents who is employed during 84 hours in every week, and who is bound to work fully six months in the year at night. If that man were working for the State his claim to a pension could not possibly be resisted if the claim urged on behalf of the police employed on night duty is to be accepted. Mention has been made by my hon. Friend the Member for Sunderland, with whom I quite agree, of the light character of the duties performed by the rural police. The only duties of a dangerous or arduous character performed by these men is when they are told off by the Magistrates and landowners of the district to protect their game against the inroads of the poachers, and I unhesitatingly assert that at least 19 out of 20 of the injuries sustained by the rural police occur during the time they are acting as gamekeepers to the landowners. This is a consideration we are bound to keep in mind when asked to grant large pensions to the police, on the ground that their occupation is more dangerous than that of other people. Beyond this it has been clearly shown that this Bill has been drafted not in the interests of the rank and file of the Constabulary, but in the interests of the police officers. I have good grounds for saying that it is not the rank and file, but the officers, who are anxious for these pensions, and this introduces the larger question, whether it would not be a better policy, in the interests of the State, to give a fair rate of wages to those employed in the service of the State and to leave them the responsibility of making provision for their old age, thereby encouraging those habits of thrift and industry which hon. Members on both sides of the House are constantly endeavouring to enforce.

Mr. Howard Vincent (Sheffield) rose in his place, and claimed to move, "That the Question be now put."

*(3.42.) Mr. SPEAKER: Although I do not feel called upon to put the Motion just made by the hon. Member, I feel bound to say that after the discussion which has taken place I look with grave apprehension to future Debates in this House if hon. Members are to exercise their right of addressing it at the extreme length which has characterised several speeches made on the present occasion. The same arguments have been repeated over and over again. I have hitherto refrained from giving effect to the Standing Order which I have the power to enforce, namely, that if a Member indulges in tedious repetition, either of his own arguments or those of other hon. Members, he should be silenced I have preferred to leave it to the good sense and self-restraint of hon. Members to avoid needless repetition; and I trust that now, after what has been said in the interests of Debate, Second Reading speeches will not be delivered on every clause of this Bill.

At that rate real and pertinent discussion would become utterly impossible. If I now decline to put the Motion for the Closure, it is not that I think it to be made without reason, but because I do not think that time would be saved by the Motion being put at this particular point in the Debate.

MR. CONYBEARE: After what you, Sir, have stated I do not wish to continue my remarks, but I would remind the House that this is the first and only opportunity I have taken advantage of in order to say what I wished to put before the House on this important question. I should not have spoken now but for the fact that I have received a distinct mandate from my constituents to oppose this clause.

MR. STOREY: In asking for leave to withdraw my Amendment, I may say that, having listened to what you, Sir, have just said, I wish the House to understand that this is the only clause dealing with the main principle of the Bill to which my Amendment could be directed. Those who think with me have felt it their duty to raise this question on a clause which contains the substantial principle of the Bill. I now ask leave to withdraw my Amendment.

Amendment, by leave, withdrawn.

(3.44.) MR. STOREY: I now wish to bring before the House the precise question on which I shall ask a Division. The series of Amendments I have placed on the Paper would, if adopted, cause the clause to read as follows:—

"Subject to the provisions of this Act (*a*) every constable in the Metropolitan Police Force."

this being intended to cover not only the Metropolis, but the police of all the boroughs and counties in the Kingdom,

(*b*) "and any Police Force without an adequate pension fund, and (*c*) Any Police Force with an adequate pension fund, the Local Authority controlling, which shall now or hereafter signify in writing its willingness to come under the provisions of this Act."

This, I think, will explain exactly what I propose. With regard to the boroughs and counties having an existing Police Force with an adequate pension fund, I claim that in that case, and in that case only, the Bill shall not apply unless the authorities who are in that happy condition shall signify their wish to come under its operation. I made a suggestion on the Second Reading of the Bill which has since been reinforced by the action of the Government in exempting one Police Authority, namely, that of the City of London from the operation of the Bill. As the Home Secretary told us yesterday, they have done this on the ground that the City of London Police Force has an adequate and sufficient pension of its own. If the Government make this exemption in the case of the City of London, I think I am not asking too much in claiming a similar exemption for the borough I represent. I ask that that and other boroughs as well as counties having adequate pension funds should be not absolutely exempted from the Bill, but should be exempted unless they signify their willingness to come under its operation. In the case of Sunderland, the County Council has petitioned against the Bill, and I think it is the only Petition of that kind that has been presented. [An hon. MEMBER: No!] At any rate, I was asked to present that Petition to this House. The Petition asked that the Bill should not pass, but that if it did pass, they, the County Council of Sunderland, and similar bodies with adequate pension funds, might be exempted from its operation unless they chose to come under it. Of course I know that in the present temper of the Home Secretary, it would be idle for me to speak, even had I the tongue of an angel, because the right hon. Gentleman would go into mock heroics, instead of using an argument for an answer. It may be very easy to browbeat the minority, but the minority may be right. I say that Sunderland wishes exemption from this Bill. We have never been in the unhappy position of having to supplement our Pension Fund by our rates. We have a fund amounting to £4,900, and with that the police are satisfied. It may be that many counties will desire to come under the operation of the Bill, because the County Police are not managed by the chosen Representatives of the people, but in the boroughs the Town Council

and Watch Committee represent the ratepayers, and if they have already adequate pension funds, and wish to be kept outside this Bill, I do not see why the House should refuse their request. Although we are in a minority—nay, because we are in a minority—this concession ought to be made, because our request is founded on reason and common sense. In conclusion, I beg to move to omit the word "a" in order to insert the words "the Metropolitan."

Another Amendment proposed, in page 1, line 7, to leave out the word "a," and insert the words "(a.) the Metropolitan."—(*Mr. Storey.*)

Question proposed, "That the word 'a' stand part of the Bill."

(3.55.) MR. MATTHEWS: The hon. Gentleman proposes to exempt from all the operations of the Bill all those Local Authorities which have adequate pension funds. My answer to his demand is twofold. In the first place, I say that, as far as I am aware, not a single Police Authority in the country has an adequate Pension Fund. As long ago as 1887 all the County Police Pension Funds were exhausted and the Borough Police Pension Funds were rapidly approaching that condition. As far as I am enabled to ascertain at the present moment, the Borough Pension Funds have, for the most part, attained that unhappy position; and in answer to what the hon. Member for Sunderland has said with regard to his own borough, I would remind him that the balance in hand on account of the Police Pension Fund is not now £4,900, which was the amount last year, but is at the present £4,504, showing a decrease of nearly £400.

MR. STOREY: The right hon. Gentleman is misinformed. [*Cries of* Order!] The friends of the right hon. Gentleman will not hear me, and while the right hon. Gentleman exhibits so much temper I will not give him the information I was about to have afforded.

MR. MATTHEWS: This is not a matter of temper. But, nevertheless, I think it right to remind the House that a period has arrived at which the prolongation of the Debates in this House has reached an almost unendurable limit. I did not interrupt the hon. Member during the whole of the 40 or 45 minutes he was addressing the House, and I have not yet occupied the time of the House for five minutes. I think, therefore, I ought to be allowed a very brief period in order to explain my views upon this question. I have stated that the Return I have quoted shows that the Sunderland Police Pension Fund is approaching the verge of insolvency, but, even assuming that I am wrong in that statement, although I have no doubt that I am right, I ask the House to consider the extraordinary proposal the hon. Gentleman has made, namely, that the Police Authorities, having the management of the pension funds, can afford to pay the pensions. For the last 13 years, as shown by the Report of the Committee of this House, pensions for which the police have been waiting, have remained unpaid, and yet the hon. Gentleman asserts that the Police Authorities have sufficient money in hand to discharge these obligations, and consequently asks this House to exempt the Police Authorities from the operation of this Bill, leaving to those exempted Authorities the arbitrary discretion of paying or refusing the pensions to which the police have become entitled by a length of service. A more incongruous, illogical, and preposterous suggestion it has never been my lot to hear brought forward in this House.

(4.0.) The House divided:—Ayes 139; Noes 33.—(Div. List, No. 221.)

(4.6.) MR. ATHERLEY-JONES: In the Amendment I have to move I hope I may obtain the support of Members opposite, and that the Home Secretary will at any rate treat it as an open question. Under the Bill policemen in the Metropolis are to receive a pension of two-thirds of their pay after serving for 25 years, whatever their age may be. The last Police Bill introduced was that of the right hon. Gentleman the Member for Wolverhampton (Mr. H. H. Fowler), and I take marked notice of the fact that the right hon. Gentleman is absent to-

day. His knowledge, experience, and judgment would have been of infinite value to the House in this discussion. In previous Police Bills the provision was that a constable must reach the age of 50 or 55 years before he received a pension. A provision has been put in the Schedule of this Bill, that outside the Metropolis the age must be not less than 50. It is preposterous to say that a policeman who has served 25 years and left the force at the age of 45 should be entitled to receive a pension for the rest of his life. A man at 45 is perfectly well able to perform all his physical and intellectual duties. It is urged by the Home Secretary that the wear and tear and the hardship of the London policeman's life are greater than of the provincial policeman; but I have been unable to find from statistics that the one is more rapidly incapacitated than the other. But even if that were so, wherever a police officer is incapacitated through infirmity of mind and body, ample provision is made in the Bill to meet his case. What I propose is the limit of age should be 50 or 55. Experienced police officers tell me that the result of the Home Secretary's proposals will be to increase vastly the number of men remaining in the force for 25 years. Thus the future pension fund of London would be enormously augmented. At present it is under £200,000, but under the proposals of the Home Secretary it will soon reach £500,000. That is an enormous increase in the burden proposed to be placed on the ratepayers, and it is a burden which is not justified. In almost every case the men who leave the Force can take employment elsewhere, even if they have not a pension. I am not opposed to reasonable pensions, but in the interest of the ratepayers of the Metropolis I object to the imposition upon them of the burden of maintaining a body of men in absolute idleness, when they are perfectly competent to maintain themselves. I do hope that there will be found hon. Members on the other side of the House to join with me in pressing the Home Secretary to revert to the lines of the Bill of the right hon. Gentleman the Member for Wolverhampton, and establish the same standard of age for earning pensions that you would have in the provinces of England and Scotland.

Amendment proposed, in page 1, line 10, to leave out from the word "and," to the word "shall," in line 12, and insert the words "is not less than fifty years,"—(*Mr. Atherley-Jones,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Bill."

(4.17.) MR. MATTHEWS: The hon. Gentleman's statement was correct so far as it went, but it was not complete. Mr. Hibbert brought in two Bills when the late Government were in office — in 1882 and 1883—and neither of these contained a limit of age. Those Bills were stoutly opposed by the Representatives of the ratepayers' interest, and it was in consequence of that hot opposition that the limit of age was first introduced. In Mr. Hibbert's first Bill the limit of age was 50 years, but in the second Bill it was fixed at 55 years. In the next Bill of the hon. Member for Wolverhampton there was a limit of age, but with power of exemption. The police all loudly protested against that. It was somewhat more severe, but was to conciliate conflicting interests. But through the whole of the controversy there was no suggestion as to contribution from public resources. In the present Bill I have endeavoured to steer a middle course. The Bill allows each Local Authority to fix a limit of age if it thinks fit.

MR. ATHERLEY-JONES: Not in the Metropolis.

MR. MATTHEWS: The Secretary of State has the same authority in the Metropolis, and though I have stated that I have no intention of fixing a limit, it will be open for my successor to do so. ["No."] The Bill will enable the Secretary of State to empower the Local Authority to impose whatever limit of age they desire, both outside and inside the Metropolis. It ought also to be borne in mind that if no men are allowed to enter the force until they are 25 years of age, they will have reached the sug-

gested age of 50 years before they are entitled to a pension, and such a course may have its advantages. I trust the hon. Member will not think it necessary to press the Amendment.

(4.20.) SIR G. CAMPBELL: I look on this as a very important Amendment, as it goes to the very root of the question. I will not discuss the point as to what ought to be the limit of age. All I want to provide for is that there shall be some limit of age, and that you should impose on the Local Authority the responsibility of saying what the age shall be, be it high or low. The right hon. Gentleman has said that there will he no limit of age in the Metropolis if the Bill passes, and I say that the proposal is an entirely new one, which your House never had made before in connection with public rates. In connection with all the branches of the police, whether in the Metropolis or in the country—save in the City itself—the limit of age is 60 years. It is impossible for a man to retire before that age, unless he is broken down and obtains a medical certificate. What is the rule of the Civil Service? Why the age is 60 years. What is the rule of the great companies and railways? Why that no pension is attainable without a medical certificate below the age of 60. The pensions are not paid on the maximum salary received at the age of 60, but on the whole pay during the period of service. The Representatives of the ratepayers rebelled against the scheme propounded by Mr. Hibbert. They would not have it, and I maintain that if the Representatives of the ratepayers had time to consider the present Bill they would rise against it just as they did against that of Mr. Hibbert. If we are to go by precedent, we see that in the matured draft of the Bill of the late Government the limit of age was put at 55 years; and we cannot help seeing that without a limit of age a great many constables will be able to retire at the age of 43, a great many at the age of 44, and a great many at the age of 45, for large numbers of young men enlist into the force at the ages of 18, 19, and 20. It is proposed to allow the policemen of the Metropolitan district to retire into civil life, carrying with them these large pensions—three times the amount received by our soldiers. I hold that the result will be that your best men will retire into civil life, carrying these high pensions with them, and you will be left with the dregs. The retiring age for men in the Metropolitan Police Force should not be less than 50. I do not object to that age in London, but consider it very reasonable. The Committee on the Scotch Bill has struck out the provision my hon. and learned Friend proposes to strike out in this Bill. I am quite willing to make the limit of age elastic, in order to enable constables to retire at 50 and officers at 60. Under these circumstances, I shall be glad to support my hon. and learned Friend in his Amendment. There is only one other argument I wish to advance. I think that if you make no limit in the Metropolis you will have an agitation in the provinces that they should have no limit also. They will say we will bully the Government until we have got what has been given to the men in the Metropolis. I never will support an agitation on the part of the servants of the State. There has been agitation, and now we are reaping the fruits of our action in regard to it.

*(4.34.) SIR A. ROLLIT (Islington, S.): The principle of this Amendment seems to me to be whether it is necessary to add to the condition of 25 years. We have a limit of age, and the hon. and learned Gentleman (Mr. Atherley-Jones) contends that an addition is necessary in the case not only of the provincial forces, but also of the Metropolitan Force. I think the cases the hon. and learned Gentleman cited of constables being able to leave the Force at 45 or 50 were very extreme. That is by no means the general rule. The general rule is, that even 20 years' service has exhausted the energy of a constable, and that he leaves the Force after such service. The practical result of the figures I propose to give is that it is not necessary to make any further addition to the

condition as to the limit of age. In 1885, in the Metropolitan Force, out of 11,514 constables, only 1·2 remained after 20 years of age and up to 25. In 1888 the number was somewhat increased. Those remaining amounted to 1·3 of the whole Force, and in 1889, out of 14,315 constables, only 329 were remaining up to 25 years' service. [Sir G. CAMPBELL: What about the officers?] I am dealing with the whole Force, including officers. The last figures I have cited only give 2 per cent. as remaining up to 25 years. What is a fair inference to be derived from the figures? It is that, at any rate in London, the demands on the constables are such that they cannot generally fulfil even the condition of 25 years' service. If that be so, I ask, is it right to attempt to add an additional limit of age? Is it not our proper course to endeavour, by a system of superannuation, to retain as long as possible in the Force those men of experience and character who have remained for a very considerable period. As a Metropolitan Member, I shall strongly oppose this Amendment.

(4.38.) MR. E. ROBERTSON: The hon. and learned Gentleman has rather mistaken the question raised by the Amendment. The clause proposes to leave it to the Local Authority to prescribe what shall be the limit of age, and the question raised by the Amendment is whether or not there should be a uniform limit of age in all places. The Home Secretary told us earlier in the Debate that a Scotch Member was travelling out of his province if he presumed to express an opinion upon this English Bill. That seems a startling statement to come from a Unionist Minister, and I can only attribute it to the Home Rule principles with which the right hon. Gentleman began his political career. As a matter of fact, we Scotch Members have a direct interest in the provisions of this Bill. Whatever provisions may be agreed to in the English Bill, there will be Scotch Members and English Members also who will insist on the Scotch Police having as good terms as the English Police. We therefore have a direct interest in seeing that no extravagant conditions are imported into this Bill. As to whether the limit should be universal, I will again recall to the attention of the House the important evidence laid before the Scotch Committee on the question. Captain Munro, a police expert, laid it down as a governing principle that between one Police Authority and another there should be uniform treatment as to pension. As to the question of the limit of age, this same expert, the only one called before the Committee, gave it as his opinion that in all forces the limit of age should be 55 for constables and 60 for officers. Unless the Government can give us some stronger reasons than those already adduced for the rejection of this Amendment, I shall be compelled to support the Amendment.

*(4.43.) MR. PICKERSGILL: As the hon. and learned Member for Durham (Mr. Atherley-Jones) has made several references to Metropolitan Members, and has mentioned me by name, I should like to say a very few words. I suppose I have no right to complain that I and my Colleagues have again and again been charged by the hon. and learned Gentleman with being actuated by the most sordid motives in the position we have taken up. I do expect, however, from a learned Member of the House that his statements shall be coherent and intelligible. I submit that the hon. and learned Gentleman's statements against us were neither coherent nor intelligible. He says we are neglecting the interests of the ratepayers. If we are neglecting the interests of the ratepayers we stand to lose very much more than we can ever hope to gain by conciliating a mere handful of policemen. In the great popular constituency like that which I have the honour to represent the police vote is absolutely inappreciable; and even if it were not, I am not hard up for a few scores of votes or even for a few hundreds. Again, the hon. and learned Gentleman is, I think, wrong as to his information. He says that upon the statistics of the past a policeman is not worn out sooner in the Metropolis than in the rest of the country. That is directly contrary to the information

afforded by the Parliamentary Paper I hold in my hand. This Paper shows that the average period of service of men pensioned in the Metropolitan Police Force is 21 years. Taking the 10 boroughs which precede the Metropolis in the list, the average length of service performed by constables before they are pensioned is over 27 years. I have only to add that the position of my constituents, and I think of the Metropolitan ratepayers generally, is this: They know, as every Member of the House knows, that for years—for nearly 10 years past—certain promises, of which this now before the House is one, have been held out to the Police Force by both Political Parties, and they desire that the public faith, having been in this way pledged, should be kept; and, moreover, they are quite willing to bear the burden of additional cost, if any, in order to secure the incalculable advantages which spring from a contented Police Force.

*MR. W. H. SMITH: The question has been debated at great length on this and other occasions, and, therefore, I trust the House will now come to a decision.

MR. STOREY: My hon. and learned Friend has just left the House. I do not think he wishes to divide on this point in view of the suggestion which has been made to him.

(4.47.) The House divided:—Ayes 114; Noes 47.—(Div. List, No. 222.)

(4.55.) MR. E. ROBERTSON: I wish to move an Amendment in line 15. It is to omit the word "receive" and insert "thereupon the Police Authority may if it thinks fit grant him." This point was carefully considered by the Committee on the Scotch Bill. The object of the Amendment is to leave it to the Police Authority in each case to say whether or not a constable shall have a pension.

Amendment proposed, in page 1, line 15, to leave out the word "receive," and insert the words "thereupon the Police Authority may if it thinks fit grant him."—(*Mr. Edmund Robertson.*")

Question proposed, "That the word 'receive' stand part of the Bill."

Mr. Pickersgill

(4.56.) THE UNDER SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. STUART WORTLEY, Sheffield, Hallam): This is a question whether the police shall have a right to a pension or not. If we accepted this Amendment, we should really surrender the principle of the Bill.

(4.58.) SIR G. CAMPBELL: I think it is a wrong principle, and one that ought not to be adopted in regard to any branch of the Public Service. I shall, therefore, vote with my hon. and learned Friend. I admit I moved this Amendment in Grand Committee, and got no support for it. The Liberal Government accept, to a certain extent, this principle; but, then, two blacks do not make a white.

MR. STOREY: I think policemen ought not to be pensioned by order of the State when they are paid by the ratepayers. The ratepayers ought to have some option in regard to pensions, and, in order to give effect to that principle, I shall vote with my hon. and learned Friend.

*(4.59.) MR. CHILDERS: There seems to be an impression in the minds of the Committee that this Amendment was adopted in the Select Committee on the Scotch Bill. The question as affecting the ordinary pensions where no medical certificate was necessary was discussed at great length on the Scotch Bill, and the Motion was rejected by a majority of 14 to 4.

(5.0.) MR. CONYBEARE: I consider it is fundamentally wrong in principle to destroy local control and to make the Home Office the operative authority all over the country. I am glad the Amendment has been proposed, and however large the majority against us may be, I think we ought to support that Amendment to a Division. The right hon. Gentleman says it would practically destroy a policeman's right to a pension altogether, but I do not agree with him. You may adopt the principle that every constable shall have a right to a pension, and you may embody that in an Act of Parliament, but still you may leave the Local Authorities, the representatives of the ratepayers, to act up to that principle and to put it in force. I do not see that there is any conflict of

principle in the position. But whether that be so or not, it is material to the view I take that we should make every effort in our power that the locality, through its representatives, should have the controlling power, and not the Home Office.

(5.5.) The House divided :—Ayes 133 ; Noes 22.—(Div. List, No. 223.)

*(5.11.) MR. W. H. SMITH : I appeal to the hon. Member for Kirkcaldy not to press the other Amendments standing in his name. The hon. Member must have gathered from the Divisions what the view of the House is, and I hope that the hon. Member will not put the House to the trouble of considering Amendments which he knows the House will not approve. The hon. Member has already expressed his views on every possibie aspect of the Bill.

(5.12.) SIR G. CAMPBELL: I should be glad if I could accede to the wish of the right hon. Gentleman. I feel that it is rather hard upon the right hon. Gentleman that he should be kept sitting here, at an inconvenient time, because his Colleagues have made such a mess of the Session. I quite admit that I have expressed myself at length upon my objections to the Bill, and, therefore, I shall now be brief. Still there are some matters of principle to which I must allude, though I will not take the House through the Lobbies unless I have a prospect of reasonable support. I was not a Member of the Committee on the Scotch Bill, but I have great faith in the wisdom of my own countrymen, and I find they have made an Amendment in their Bill not on a local but a general question, which is this : According to the English and the Scotch Bill, any man who is incapacitated from injury received in the execution of his duty is entitled to retire on a pension for life. We none of us want to alter that, but Clause 3 is very different. Where a man is incapacitated not by the performance of his duty, but because it turns out that he is unsound in mind or body, and incapable of the work required from him, in consequence of that infirmity, the question is : After what period of service should he be pensioned? The Scotch Committee decided for 20 years, and I think they are right. If you adopt 15 years the result will be that for five years the man will be trying imperfectly to learn his duties, for the next 10 years he will be doing his work badly, and the end of that term he will receive a pension for the remainder of his life. Well, I do not think that is desirable. It will always be in the power of the Police Authority to award a gratuity. I should like to give the right hon. Gentleman the opportunity of expressing his view why we should not here adopt 20 years for the term of service instead of 15.

Amendment proposed, in page 1, line 17, to leave out the word "fifteen," and insert the word "twenty."—(*Sir George Campbell.*)

Question, "That the word 'fifteen,' stand part of the Bill," put, and negatived.

(5.17.) SIR G. CAMPBELL: The next Amendment is a very necessary one, and I scarcely know how the Under Secretary can resist it——

(5.17.) MR. CONYBEARE: I desire to propose an Amendment which arises before the Amendment of the hon. Member, that is, to add after the words "infirmity of mind or body," the words "arising from his duty." It appears to me desirable to limit the right to receive a pension in this way, because it is clear infirmity may arise from causes altogether outside his duties as a constable.

Amendment proposed, in page 1, line 19, after the word "body," to insert the words "arising from his duties."—(*Mr. Conybeare.*)

Question proposed, "That those words be there inserted."

(5.18.) MR. STUART WORTLEY: If the hon. Member will look lower down in the Bill, he will find that cases of infirmity brought about by vicious habits are abundantly provided for by a discretion given to the Police Authority.

Question put, and negatived.

SIR G. CAMPBELL: I really think the Under Secretary will not resist this Amendment. What I now propose is to provide that where a constable has not

been subjected to a deduction from his pay for a reasonable period the amount of his pension shall be in proportion to such exemption. I know it has been said that no such case will arise, because by law every constable is obliged to allow some deduction from his pay to form a fund. But then a difficulty arises from the refusal to insert the definition of a "constable." Proceeding further, we find that chief constables do not now contribute to the fund; no deduction is made from their pay. I say it is a monstrous job to give chief constables full pensions, while they, unlike other members of the Force, are not required to contribute by deductions from their pay. I cannot see why there should be this exemption. In every Bill brought before the House there has been some proviso of this kind. There was such in the Bill of the right hon. Gentleman the Member for Wolverhampton (Mr. H. H. Fowler); in the Scotch Bill there is a complicated set of rules for the same purpose. If I am right, as I think I am, that chief constables do not have to submit to deductions, then I do hope that the Government will, in fairness, accept my Amendment. It is, indeed, an important matter of principle, and I do not think I could have put it more briefly.

Amendment proposed, in page 2, line 5, at the end of Clause 1, to add the words—

"Provided that, if a constable has not been subjected to the deduction from his pay hereinafter provided, as a contribution to the pension fund, for at least two-thirds of his whole service, the pension awarded to him shall be diminished to such an extent as to the Police Authority may seem reasonable under the circumstances."—(*Sir George Campbell.*)

Question proposed, "That those words be there inserted."

*(5.22.) MR. STUART WORTLEY: So far as chief constables are concerned the Police Authorities have power to attain the same object as is secured by the deductions from the pay of ordinary constables; they can fix the salary of the Chief Secretary *pro rata* as vacancies arise.

SIR G. CAMPBELL: But existing chief constables?

*MR. STUART WORTLEY: The hon. Gentleman will allow me to proceed. The same object is secured by the fixing of the amount of the salary. My argument applies to the past as well as to the future. So far as ordinary constables are concerned the Amendment ought not to be entertained. To insert the Amendment would be to introduce that element of uncertainty and possible caprice which it is the object of the Bill to avoid.

(5.23.) MR. STOREY: I submit that this is not a reasonable answer to a reasonable Amendment. The case we put is this: Is a constable who has made contributions to the fund from his pay to receive no advantage in his pension over the man who has made no such contribution? Really, what the Under Secretary has said is no more than an argument against any system of pensions at all, for the Local Authority, on engaging a man, can arrange for a scale of pay that shall prevent the question of pension arising. My hon. Friend has put the case of men who are to receive pensions of hundreds of pounds a year, making no contributions, as ordinary constables are required to do. Really, we have had no reply to justify this.

*(5.24.) MR. CHILDERS: I would strongly urge the Government to accept the Amendment. The question has been discussed before and was considered in the Committee on the Scotch Bill as satisfactorily settled. As it is a matter of great importance, I hope the Government will consider whether some Amendment could not be introduced into the Bill which would remove the apparent injustice to the common constables.

*(5.25.) MR. W. H. SMITH: Such an appeal coming from the right hon. Gentleman certainly deserves the fullest consideration from the Government. The proper place, however, for the Amendment suggested would be in a later clause of the Bill. Though I can give no definite pledge, I will certainly undertake that the point shall be re-considered.

(5.26.) MR. CONYBEARE: I should like to know how it is the suggestion acquires such importance when repeated from the Front Bench? Before we divide, I would just mention as a reason why chief constables should be put on the same footing, at least, as ordinary constables, that they are usually men

who are in receipt of pensions for service in the Army.

(5.27.) MR. J. ROWLANDS: I certainly feel that there is every reason for some such an Amendment, and that chief constables should not escape those deductions to which constables have to submit.

(5.27.) MR. E. ROBERTSON: I would suggest to my hon. Friend that he should accept the specific promise made and withdraw his Amendment now.

Amendment, by leave, withdrawn.

(5.28.) SIR G. CAMPBELL: The point I have now to raise is also an important one, it is whether any discretion is to be allowed to Police Authorities in the amount of pensions. The House has decided, I think wrongly, that a man shall have the right to claim a pension after a certain period of service, but the question arises, whether a man having completed his term shall receive the same pension, whether his conduct has been good, bad, or indifferent. The words I propose have good authority, they are taken from the Civil Service Superannuation Act, and they run as follows:—

"Provided also, that the Police Authority may grant to any constable a pension of less amount than he would have been entitled to receive if his defaults or demerits in relation to the public service appear to them to justify such diminution."

It being half past Five of the clock, Further Proceeding on Consideration, as amended, stood adjourned.

Consideration, as amended, to be resumed upon Monday next.

SUPPLY—REPORT.

Resolution, [1st August] reported.

REVENUE DEPARTMENTS.

"That a sum, not exceeding £1,583,845 (including a Supplementary sum of £50,000), be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Salaries and Working Expenses of the Post Office Telegraph Service."

MR. J. M. MACLEAN (Oldham): I wish to call attention to what I may characterise as an extraordinary statement made last night by the Postmaster General in the Debate relating to the question of the telegraph clerks at Cardiff. I was not present during the Debate. I am sorry to hear that the Postmaster General has left town for Carlsbad. I was surprised to read the following in the report of the right hon. Gentleman's speech in the *Times*:—

"The editor of an infamous print, the *Western Mail*, seemed to have done his best to induce the servants of the Telegraph Office to disclose information for publication."

The right hon. Gentleman was smarting under attacks made upon him in the *Western Mail* for his conduct in removing from Cardiff certain telegraph clerks who had written to the local Press, and he appears to have lent a ready ear to stories told to him about the way in which the *Western Mail* attempted to obtain official information from clerks in the Telegraph Office. Now I personally refrained from taking any part in the Debate, because it might be supposed I had an interest in the matter, as I am one of the proprietors of this newspaper, and I therefore left it in the hands of my hon. Friend the Member for Cardiff. I must say, however, it seems a most unwarrantable proceeding on the part of a Minister of the Crown to stand up in his place in Parliament and bring a shameful charge of that kind against a newspaper of large circulation and high standing, which has probably done as much service for the Conservative cause in the country, and for the public interest, as even the right hon. Gentleman the Postmaster General has done in the course of his long public life. I believe the only conceivable foundation for a charge of that kind is, that a telegram relating to the movements of the Postmaster General himself found its way into the columns of the *Western Mail*. The right hon. Gentleman was going down to Cardiff, and sent a telegram to say he could not come at the time he intended, but would a little later. That was a matter which interested the telegraph clerks more than ordinary telegrams would, and they appear to have talked about it to one another, and the news got round in the office, and one of the Post Office clerks—not one of the telegraph clerks—appears to have conveyed the information in a gossiping way to one of the reporters of the newspaper. Whether a thing of that kind justifies

the Postmaster General in coming down and saying that a newspaper which publishes a telegram of that sort is an infamous print and tries to corrupt public servants I will leave it to the House to say. It seems to me to be an exceedingly unfair and improper thing for any Minister of the Crown to take advantage of his position as a Member of Parliament to bring such charges against men who are quite as honourable as himself. If the right hon. Gentleman had been present I should probably have used much stronger language; as it is, I will content myself with saying that the *Western Mail* is no more an infamous print than the right hon. Gentleman is an infamous Minister. If this is the way in which he deals with outside and unofficial critics, then I can only hope the right hon. Gentleman will come back from Carlsbad in better health and better temper, or I shall be very sorry for the unfortunate servants in the Post Office and Telegraph Service, who are at the right hon. Gentleman's mercy.

Resolution agreed to.

STATUTE LAW REVISION BILL [LORDS].—(No. 251.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE SOLICITOR GENERAL (Sir E. CLARKE, Plymouth): When the Committee had this Bill under consideration they came to the conclusion unanimously that certain formal parts of various statutes, such as long preambles, might well be omitted in the revised edition, and the draughtsmen were instructed to prepare another schedule of preambles which might be dealt with in the same way. This Bill is the result of their work, and if it is passed we shall be able at once to issue three volumes of the revised edition. I trust, therefore, that the House will allow it to proceed.

*MR. BRYCE (Aberdeen, S.): I should like to confirm that statement. This Bill merely carries out the wishes of the Committee, already approved by the House, and it is desirable to carry out this reform in the interests of the general body of the people, who have long been promised a cheap and convenient edition of the Statutes.

DR. TANNER (Cork Co., Mid): I really must object to Bills like this being passed in this way. If it is so important let the Government make it the first Order of the Day on Monday. I must continue to oppose measures being taken at such an hour as this.

Second Reading deferred till Monday next.

BUSINESS OF THE HOUSE.

On the Motion for Adjournment:—

MR. BRYCE: What will be the business for Monday?

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): Substantially the first Order on Monday will be the Police Bill, and it is proposed to go on with these Bills, and as soon as they have passed this House to take Supply.

SIR G. CAMPBELL: Both Police Bills?

MR. JACKSON: Yes.

MR. SEXTON (Belfast, W.): Is there to be a Supplementary Estimate?

MR. JACKSON: Yes; I have laid one on the Table to-day.

MR. STOREY: With regard to the Savings Banks Bill, the right hon. Gentleman the First Lord of the Treasury singled me out yesterday as the only opponent of this Bill. If he looks on the Paper he will find 33 notices of opposition.

MR. JACKSON: I am quite aware of that, and I think it reflects great credit on the hon. Member's industry.

MR. CONYBEARE: Does the right hon. Gentleman mean to imply by that that the opposition is not *bonâ fide*. If so, I can assure him that my opposition is?

DR. TANNER: And I also may say that in consequence of communications I have received from Ireland I must oppose the Bill.

MR. JACKSON: I may remind the hon. Member that we have met the case of Ireland by agreeing to exempt that country from the operation of the Bill.

House adjourned at a quarter before Six o'clock until Monday next.

HOUSE OF LORDS,

Monday, 4th August, 1890.

COMMISSION.

The following Bills received the Royal Assent:—

Poor Law (Ireland) Rating.

Pauper Lunatic Asylums (Ireland) (Officers' Superannuation).

Boiler Explosions Act, 1882, Amendment.

Infectious Disease (Prevention).

Anglo-German Agreement.

Foreign Jurisdiction (Consolidation).

Statute Law Revision.

Removal Terms (Scotland) Act (1886) Amendment.

Birstall Wesleyan Chapel Trust Scheme Confirmation.

Shrewsbury and Holyhead Road (Anglesey and Carnarvon).

And a number of Private Bills.

METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT BILL.

(No. 168.)

Report from the Select Committee, That the Committee adjourned on Friday last over this day; read, and ordered to lie on the Table.

DUBLIN CORPORATION BILL.

THE EARL OF MORLEY: My Lords, the Motion that stands in my name requires a few words of explanation. The Motion is that the Bill relating to the Dublin Corporation be re-committed so far as relates to Part IV. The facts of the case are these: When the Bill came up from the House of Commons these clauses relating to the collection of rates were in such a condition that the Committee to which the Bill was referred did not consider, under the circumstances, they were able to pass the clauses. Perhaps I had better read the Chairman of the Committee's statement on the subject. He states—

"I have to remark in the first instance, that the Bill, as it left the other House, did not attempt to deal with the great difficulty in the case, that of the altered position of the Collector General and his staff, his duties being the same, or nearly the same under the Bill, with only one-third of the sum available for the payment of himself and his staff."

Then he recommends that the rating clauses of the Bill ought to be struck out, and that the preamble be amended accordingly. Since that decision was arrived at clauses have been prepared which have been agreed to by certain parties to the Bill. It was thought extremely desirable by them that the matter should be again brought before the same Committee, when, of course, any opponents of the new clauses, whoever they might be, would have an opportunity of being heard. It was a point of some difficulty, and it was thought by myself far better that the matter should be settled in a satisfactory manner here, and sent down in a satisfactory form to the Commons. That is all I have to say now about the matter. It is not, of course, for me to express any opinion, or to make any statements as to the merits of the case, in regard to which I am afraid I am not competent to speak.

Moved—

"That the Bill be re-committed so far as relates to Part IV. (Rates), and the corresponding recitals in the preamble."—(*The Chairman of Committees.*)

*THE MARQUESS OF WATERFORD (who spoke by leave of the House sitting): My Lords, I must really make the strongest protest I am able against the Motion of the noble Earl. I do not think the Motion comes exactly from himself. I think it is a change of front on the part of Her Majesty's Government, and a very extraordinary change of front it is. I will put before your Lordships very shortly what happened with regard to his Bill. Originally, when the Bill came into another place, it proposed to transfer the appointment of the Collector General to the Corporation. Well, that was opposed by Her Majesty's Government, and amended, and it was then arranged that the Corporation should collect its own rates, and that the other rates should still be collected by the Collector General. The Bill was then placed before a Committee of your Lordships' House. It was again opposed by Her Ma-

jesty's Government, these clauses were opposed by the Government in the person of Sir Richard Wyatt acting for the Government, it was opposed by the Chambers of Commerce in Dublin, who represent the largest ratepayers in that town. It was also opposed by the Port and Docks Board. Now, let me point out what happened then. All these different bodies have been heard by counsel upstairs, at great expense to them; and now, by the re-committal of this Bill, they must go through all that expense again. It is a most unsatisfactory arrangement; and I am sure your Lordships will agree with me that if the Government opposed this Bill upstairs they should not have changed front now, and come forward with a large sheaf of other clauses which the Government made no mention of before that Committee. I may mention that the clauses in Part IV. of this Bill were unanimously rejected by the Committee upstairs. These new clauses which the noble Chairman has suggested will improve the Bill are perfectly unworkable. They are most complicated; and to prove to your Lordships that even the framers of these clauses do not think much of them, they have inserted a proviso at the end that if either of the parties object to them they are at the end of six months to become a dead letter and to no longer have effect. I think on the part of the framers themselves that is not saying very much in favour of these clauses. I say these clauses simply do not carry out the original decision of the House of Commons. That decision was that the Corporation should collect its own rates. This does not even arrange for that; but it arranges that the Corporation is to interfere with the collection of all rates. I must protest very strongly against this change of front. The expense of this re-committal will to everybody be very great. The opponents received no notice, and at the last moment these clauses are brought forward, clauses which are very crude, and, as I venture to think, though I cannot claim great skill as a draughtsman, extremely badly drawn. From my own knowledge of the country also I believe them to be absolutely unworkable. They arrange that the Corporation shall have the appointment of two-thirds of the staff by which they provide really for the collection of the whole of the rates in Dublin. I hope sincerely that if your Lordships agree to refer this Bill to the Committee again the Committee will not follow the example of Her Majesty's Government, but will adhere to their former decision.

THE DUKE OF ABERCORN: I beg to support every word which has been said by the noble Lord who has just sat down, and to protest most strongly against the action taken in re-committing this Bill. The clauses relating to rating have been unanimously rejected by the Committee upstairs. At the same time, other similar clauses have been inserted at the action of certain persons, and I shall be very much obliged if the noble Lord will inform the House why the wishes of those certain persons who have met these clauses with approbation have been consulted in the matter, and why this Bill is to be laid before the Committee upstairs again without any notice. It has caused, I am bound to say, great consternation among a large number of Her Majesty's citizens in Dublin, who had no notice that this action was to be taken, and who thought that when the Bill came down from the other House all further legislation on that head was at an end. I must say that I think the various opponents of this Bill have great cause of complaint, for not only have they been taken completely by surprise, but they will be put to great expense in having to employ counsel at great expense to re-argue the case.

THE EARL OF MORLEY: I think I ought to explain, in answer to what has fallen from the noble Duke, that the opponents of the Bill have had ample warning or notice in this matter. The Motion which I have made has been on the Paper for a week, and ample opportunity has therefore been given to any persons desirous of opposing the Bill, and discussing the matter before the Committee.

THE LORD PRIVY SEAL (Earl CADOGAN): I rise not at all for the purpose of entering into the matters which have been referred to by the noble Lords, or with any desire of prolonging this discussion, but merely to point out that the question before the House is whether this Bill should be re-

committed or not. I am bound to say that in my opinion the noble Lord, the Chairman of Committees, has shown good ground for such re-committal, and I hope your Lordships will agree to it.

On Question agreed to.

SWAZILAND.

QUESTION—OBSERVATIONS.

EARL GRANVILLE: My Lords, I rise to put a question to the noble Lord the Secretary of State for the Colonies. The Session is more or less approaching an end, and it would be, I think, very desirable if he could inform the House what is the state of the negotiations with regard to Swaziland, whether any arrangement has been come to with the South African Republic, and whether, before we adjourn, Her Majesty's Government will be prepared to place before the House any Papers on the matter?

*THE SECRETARY OF STATE FOR THE COLONIES (Lord KNUTSFORD): My Lords, I am glad the noble Earl has been good enough to put this question to me, because the matter is one which is of great importance and which has naturally excited much interest in this country as well as in South Africa. I am happy, therefore, to be able to state that we learned yesterday that the result of the negotiations, conducted in a most friendly spirit between Her Majesty's Government and the Government of the South African Republic, has been the making of a Convention which secures the independence of Swaziland, and a joint Government over the white settlers for a term of years, and provides other terms, to which, with your Lordships' permission, I will shortly refer. This Convention has been signed by the President, and is to be submitted this day to the Volksraad for ratification. Papers will be presented to Parliament on the subject as soon as possible, but, looking at the importance of the subject, I trust your Lordships will allow me to make a short statement in explanation of the course of events which led up to these negotiations, and also of the action of Her Majesty's Government. Swaziland has an area of about 8,000 square miles, and is surrounded on three sides by the South African Republic. It has a native population of about 63,000, about 9,000 of this number being fighting men. In the Report of Sir Francis de Winton, to which I shall have occasion later on to refer, he well describes the Swazis as "a happy, contented, work-hating, wild people." As regards the number of white residents it is very difficult to make any accurate calculations; but referring to Sir Francis de Winton's Report, I may observe that he says that—

"As regards the White residents, it is difficult to arrive at their correct numbers, so many persons being non-resident, though possessed of interests in Swaziland, and a proper register of those entitled to vote for the White Committee never having been kept. The mineral holders, miners, canteen and store keepers, missionaries, and a few permanent farmers are the only residents in the country. These consist chiefly of subjects of Great Britain. The non-residents consist of grazing holders and concessionaires. These are chiefly subjects of the Transvaal, or persons who have interests in the South African Republic. Roughly speaking, the subjects and sympathisers of the South African Republic represent 3 to 1 as to other nationalities, but they do not represent much capital."

As regards the trade of the country, it may be shortly stated that the main trade is through Delagoa Bay and Natal. The trade between Natal and Swaziland is about £70,000 a year, and it may be said that the trade and commerce of Swaziland generally have been chiefly created by the wants of the white residents, and are almost entirely in the hands of Englishmen, with the exception of one or two Germans. Little is produced in the country out of which revenue can be collected. The present revenue of the country mainly consists of rents, obligations and transfer fees due under concessions; licences, taxes, and Customs dues. The former are paid to the King or Representative of the Swazi nation, and are computed to amount to about £20,000 a year, while the other portion of the revenue, that is, the portion derived from licences, taxes, and Customs dues, may be stated at about £8,000 a year. I need not weary your Lordships by going into the early history of Swaziland, a full account of which is contained in Sir Francis de Winton's Report; but I may mention that the independence of the Swazis and the continuance of that independence were fully recognised by Article 12 of the Convention of 1884, known as the Convention of London, and made between

this Government and the South African Republic. I may add that Her Majesty's Government have throughout desired to proceed on the lines of that Convention, to maintain Article 12 in its integrity, and to secure the independence of the Swazis. It will be convenient that I should state shortly the position of the two countries under the Convention of 1884 as regards Swaziland, as it had, of course, an important bearing upon the conduct of the negotiations. Under Article 12, by which the independence of Swaziland was recognised, it would not be competent for Her Majesty, without breach of that Article, to take Swaziland under her protection in the recognised meaning of that expression. But Her Majesty's Government can, under Article 2 of that Convention, if they think fit, appoint Commissioners and a body of police in Swaziland to maintain order and prevent encroachments in Swaziland. Upon the appeal of the Swazi King Her Majesty might afford him help required to protect the independence of his territory, but again, without breach of Article 12 of the Convention, Her Majesty could not accept a surrender of his dominions and declare them to be British territory. On the other hand, the Government of the South African Republic cannot take any steps to annex Swaziland, without breach of the Convention, nor can they conclude any Treaty of protection over Swaziland, until Her Majesty has approved, nor can they appoint Commissioners under Article 2. In 1886 Mr. Theophilus Shepstone was appointed adviser to the King, and to secure good government over the white settlers a representative white Committee was appointed in July, 1887. The members of that Committee, however, signally failed to perform their duties, and the reasons are very graphically given by Sir Francis de Winton in his Report. He states that—

"The minutes of the proceedings of this Committee, with the exception of those of September, 1889 (not entered), show that some attempt was made, at the commencement, to administer the affairs of the white residents in Swaziland by the members composing it; but the Committee having no experience in administration, and nearly all having private interests in the country, the record of these minutes are a painful evidence of internal dissensions, continued differences, and an absence of any desire to contribute to the real welfare of the country. Latterly, the country was left to govern itself, as the members were engaged in getting concessions for themselves and their friends."

The Committee was dissolved in 1889, and in October of that year King Umbandine died and a regency was started. And now I will refer very briefly to the course of events which has led to the appointment of the Commission of Inquiry, and to the present negotiations. In January, 1889, matters had got into a very serious and dangerous state. The King had granted concessions to everybody, right and left, and the history of these concessions, as has been observed by Sir Francis de Winton, is probably without parallel, for the King and his Council in Swaziland had not only granted away all their actual property and territory, but also all those rights which should only belong to the Government of a country. On January 30, 1889, Sir Hercules Robinson reported to me that the time had arrived for Her Majesty's Government to decide whether the British Government or the Transvaal Government should now take over Swaziland. In March we received proposals from the South African Republic; they proposed that the territory of Swaziland should be added to the Republic, and said that they considered this "the only practical solution of the danger of disturbances." At that time our information was very insufficient as to the real state of things, and very contradictory as to the wishes of the King of the Swazis and his people. Her Majesty's Government, therefore, proposed a Joint Committee of Inquiry, and ultimately Sir Francis de Winton was appointed to act in conjunction with the Transvaal Commissioners. I would observe, in passing, that it will be seen from the Papers that Her Majesty's Government have always been fully alive to the necessity of preventing a separate interference in Swazi matters by the South African Republic; and in June, 1889, for example, when we learned that an officer was going to be sent by the President into Swaziland, on the ground that it was alleged that disturbances would take place in the following July, Her Majesty's Government immediately telegraphed out that they would not sanction separate action, and that they would send up, as,

in fact, we did send up, Colonel Martin with police to act with the Transvaal officers. On September 26 of last year Sir Francis de Winton was appointed. I will not trouble your Lordships with the instructions which were issued to Sir Francis de Winton. They will appear with the Report which will be presented to Parliament. I will only read one paragraph of the instructions given to him, as showing the line we desired to take in reference to this matter.

"In your discussions with the Commissioner of the South African Republic and in any recommendation you may make, you are at liberty to take into consideration the relations of the affairs of Swaziland to the interests of South Africa generally; bearing in mind that Her Majesty's Government desire to arrive at a satisfactory and enduring understanding with the South African Republic in regard to all the tribes and countries bordering thereon, and that it is an essential feature of our policy that there shall be no undue restrictions on the developmemt and advancement of British trade and enterpaise in any part of South Africa."

But pending those proceedings and the settlement of the question it was necessary to appoint a temporary Commission to keep peace and order in Swaziland, in place of the White Committee, to which I have before referred, and Colonel Martin was appointed the British Commissioner. I desire now publicly to express our sense of the good service rendered by Colonel Martin, for it is largely owing to his tact and judgment that peace and order have been hitherto preserved under very trying circumstances in Swaziland. Turning again to the Report of Sir Francis de Winton, it is manifest from what I have said of the legal position of the Governments of the two countries with regard to Swaziland that there were three alternative courses which might be taken consistently with the preservation of the independence of the Swazis — either the government of the whites might be handed over to the Transvaal Government, or we might take it in hand ourselves, or there might be a Joint Government. Sir Francis de Winton's recommendations were opposed to a Joint Government. He thought that complications would probably arise from that form of government. He pointed out in his Report the conditions under which alone Her Majesty' Government could administer the government of the whites; that it would cost about £22,000 a year, and that we should not have any full command of the Revenues; and there were other reasons which he urged for consideration if that course was to be adopted. He also laid down nine conditions which would have more or less to be observed and enforced if the government of the white settlers was to be handed over to the South African Republic. On the whole, looking to his Report and remembering the conversations which I have had with him, I think I am not doing him an injustice in saying that he was in favour of our allowing the South African Republic to take over the administration of the government of the white settlers. But, after very full and careful consideration, and looking to the strong feeling in this country, and also to what we believed to be the strong feeling of the Swazis, Her Majesty's Government decided in favour of a Joint Government over the white settlers. I need not now trouble your Lordships with the details of the various points which have been discussed before the terms of the Convention were settled; but merely say that, subject to the main principles of preserving the independence of the Swazis and securing the Joint Government over the white settlers, we have been most anxious to meet the wishes of the South African Republic. The exact terms of the Convention, as finally settled and as signed yesterday, and which the President is going to lay before the Volksraad today, have not yet arrived, but we know sufficient of the substance of them, from the draft agreements and correspondence which has passed, and I am able to point out the main features of the Convention to your Lordships:—1. The independence of the Swazis, as recognised by the Convention of 1884, is re-affirmed and secured; the control and management by the Swazi Government of all affairs in which natives are concerned remain unaffected. 2. It is provided that there shall be a joint administration over the white settlers, under a proclamation to be issued by the Swazi Regent and Council. 3. A Court of Justice will be established to administer Roman Dutch law; to decide all cases, criminal or civil, between white settlers; and to inquire into the validity of disputed con-

cessions. 4. All lawfully acquired rights are to be recognised by the Joint Government Committee, and by all Judicial Tribunals. 5. The Government of the South African Republic undertakes not to interfere to the north or north-west of the Republic, and to support by its influence the establishment of order and government by the British South Africa Company within the jurisdiction and under the powers granted to that company by their charter. 6. Her Majesty's Government recognise the right granted to the South African Republic by concession from the Swazi King to construct a railway through Swaziland towards the sea. They also approve of the South African Republic making Treaties to secure a right to continue that railway to the sea at, or near, Kosi Bay, and to obtain a concession of an area of ten miles in radius from a point at, or near, that Bay. 7. Provision is made to prevent the sovereignty, control, or management of Kosi Bay, or of the area above mentioned, falling into the hands of a foreign Power. 8. Provision is also made for the entering of the South African Republic into the existing Customs Union Convention with the Cape, the Orange Free State, and Bechuanaland, upon terms to be agreed upon. 9. Failing such agreement within six months, the arrangement as to Kosi Bay is to lapse, but the Joint Government of Swaziland will continue for three years certain, and will not be terminated after the expiration of the three years unless six months' previous notice be given by either Party. If the South African Republic enters into the Customs Union, no limit of time is named for the ending of the Convention. I fear that I have troubled your Lordships at some length, but some such short sketch of the position of affairs was necessary to enable your Lordships to appreciate the effect of the Agreement that has been made with the South African Republic, and I trust that when that Agreement is looked at, and when the position of the two countries with respect to Swaziland is understood, the country will approve of it, and will regard it as a satisfactory arrangement. The independence of Swaziland is secured, a Joint Government is provided for the white settlers, and we have been able to satisfy the natural, and very legitimate, desire of the South African Republic to have some port on the sea coast, while at the same time provision has been made to prevent that harbour, or port, from falling into the hands of a foreign Power. Although all the terms of the Convention may not approve themselves to everybody, yet I feel confident that the Convention, on the whole, will be approved in this country as a satisfactory settlement of questions which were in a very unsettled condition, and which would, undoubtedly, if left unsettled, have led to grave complications and very serious trouble. I desire, in conclusion, to recognise the friendly attitude of the South African Republic throughout this matter, and the good services rendered by Mr. Hofmeyr, who, at great personal inconvenience, went up himself to advise the President as regards the Convention. Nor can I conclude without bearing testimony to the great services, ability, and judgment shown by Sir Francis de Winton and Sir Henry Loch. It is largely owing to the tact and judgment of Sir Henry Loch that this troublesome question has been, as I trust, settled in a friendly spirit, and that our good relations with the South African Republic have been maintained unimpaired.

THE EARL OF KIMBERLEY: My Lords, I am sure every one must have listened with the greatest interest to the statement of the noble Lord opposite. The matter is so complicated and important that I think it would be unwise to enter into any discussion, or to express any opinion on it now, and until we see the Papers. I can only say that I earnestly trust that the hope which the noble Lord has expressed, that this will be a satisfactory settlement of very difficult questions, may be fulfilled. I only rise for the purpose of asking the noble Lord to say, if he can, within what territory Kosi Bay is situated, and with whom the negotiations for the construction of the railway to Kosi Bay are to be conducted. I should also like to ask whether there are any provisions in the Convention in regard to the transit of goods over that line, and as to the duties to be levied at the port.

*LORD KNUTSFORD: I have been obliged necessarily to cut my statement rather short. The territory at Kosi Bay

belongs to the Queen Zambili, and is in Amatongaland. The South African Republic could not, according to the terms of the Convention of 1884, enter into any Treaty on the South-east of the Transvaal, but Her Majesty's Government will now support the Transvaal Government in making Treaties with the Chiefs and with Queen Zambili for constructing and maintaining the railway and the harbour at Kosi Bay. Attention will be paid to securing free rights over the railway which is to be constructed from the Eastern border of the Transvaal, through Swaziland, and on through the Queen Zambili's territory to Kosi Bay. I should not like to give an absolute answer on the other point until we have the Convention before us, but I have every reason to believe that the subject was discussed.

THE EARL OF KIMBERLEY: I would ask one other question if the noble Lord will pardon me, and that is whether the position of Amatongaland will be in any way altered, except as regards the particular strip of land required for the railway?

*LORD KNUTSFORD: No, except that a certain portion of land on each side of the railway will be reserved to the South African Republic, and an area of land at or near Kosi Bay.

SUPREME COURT OF JUDICATURE BILL.—(No. 231.)

Returned from the Commons with the Amendments agreed to.

ALDERSHOT ROADS BILL.—(No. 219.)

House in Committee (according to Order).

THE UNDER SECRETARY OF STATE FOR WAR (Earl BROWNLOW): I have no Amendment in the Bill itself, but I propose to add a few words at the end of it in fulfilment of a promise given in the other House by the First Lord of the Treasury. It will come after Clause 8 at the end.

Moved to insert—

"The Secretary of State for War shall, one month before selling any part of the lands shown on the plan referred to in this Act, give notice of his intention to the vestry of the parish in which such lands are situated, and to the county council of Surrey, and shall consider any objections which they may make to such intended sale."

Amendment agreed to: the Report thereof to be received to-morrow, and Bill to be printed as amended. (No. 247.)

BANKRUPTCY BILL—(No. 237.)

House in Committee (on re-commitment) (according to order.)

THE LORD CHANCELLOR: I had proposed to move some Amendments, but I believe my noble and learned Friend will try, if I state what they are, to meet them in the further stages of the Bill. One has reference to the absolute bar upon the discretion of the Court in granting discharges in the event of a person being in the opinion of the Court guilty of any of the misdemeanours mentioned in the Act. I object to the form in which that absolute bar is placed. The second point has reference to the question which was raised by my noble and learned Friend opposite with reference to the obligation to disclaim onerous leases and so forth. As both of those Amendments will, I understand, be made by my noble and learned Friend at a further stage of the Bill I do not propose to move them now.

Bill reported without further Amendment, and to be read 3ª on Thursday next.

PHARMACY ACT (IRELAND) (1875) AMENDMENT BILL.—(No. 172.)

Amendments reported (according to order); and Bill to be read 3ª to-morrow.

CENSUS (ENGLAND AND WALES) BILL—(No. 226.)

COMMITTEE.

House in Committee (according to order.)

Clause 5.

*THE PAYMASTER GENERAL (The Earl of JERSEY): I have one Amendment in this clause. I beg to move that the words in page 2, line 14, after the word "and" be inserted, "In the case of a dwelling-house in Wales or the County of Monmouth." This is to make it perfectly clear that the persons referred to as speaking Welsh are only those living in Wales and Monmouthshire.

Amendment agreed to.

Clause 14.

*The Earl of POWIS: My Lords, we have been told that this Bill goes exactly on the lines of the Bill of 1880, but in this clause there is an important difference. In the Census Bill of 1880 the phrase used is "constable or other police officer for every parish," which, of course, restricts the use of rural constables to the local constables, and does not make the County Constabulary liable to be called in in addition to their present duties, which are extensive enough, to assist as enumerators. Now, I think it is very desirable that this phrase should be maintained, because the County Constabulary are much fewer in point of numbers than they are in Ireland, for instance, where they do this and every other sort of work; and it will be especially burdensome in the smaller Welsh counties where the number of county constables is very small in comparison with the area. It would be very undesirable that they should be taken away to act as enumerators, which would, of course, employ them, not only during the two days when the Returns are given out and taken back, but would give them a good deal of other employment. This makes but a very small apparent change, but its consequences would be considerable. In accordance, therefore, with the Act of 1880, the word "for" is used, and in page 14, line 24, I move, therefore, that the word "in" be struck out, and the word "for" substituted. We shall, probably, be told that this is a power which is only intended to be used in special circumstances, but the convenience of using drilled men for this work would be so great to the Department that, no donbt, the cases of pressure and necessity will be found to be very numerous, and it will aid greatly in establishing a practice which is uot now the law of employing the constabulary for the purpose of doing census work.

Moved, in line 24, to leave out the word ("in,") and insert the word ("for.") —(*The Earl of Powis.*)

*The Earl of JERSEY: There is no intention on the part of the Loeal Government Board to employ the County Constabulary as regular enumerators, but those words were put in in order to provide for emergencies or pressure, and to meet difficulties in certain cases in which the overseers or relieving officers could not be got to act as enumerators. I wish to assure the noble Lord that the Local Government Board intend to employ the latter in the first instance, and it would only be in very exceptional cases that they would be called upon to employ the parish constables. I believe there are some parishes in which parish constables are not now chosen. I hope the noble Lord will not press his Amendment.

Amendment put, and negatived.

Report of the Amendment to be received to-morrow.

CENSUS (SCOTLAND) BILL.—(No. 227.)

House in Committee (according to order); Bill reported without amendment; to be read 3ª to-morrow.

CUSTOMS CONSOLIDATION ACT, 1876, AMENDMENT BILL.—(No. 152.)

Read 3ª (according to order) with the Amendment, and passed, and returned to the Commons.

LONDON COUNTY COUNCIL (MONEY) BILL.

Brought from the Commons; read 1ª, and to be printed. (No. 248.)

PARLIAMENTARY REGISTRATION EXPENSES (IRELAND) BILL.

Brought from the Commons; read 1ª; to be printed; and to be read 2ª on Monday next: (The Lord Privy Seal [*E. Cadogan.*]) (No. 249.)

RESERVE FORCES BILL.

Brought from the Commons; read 1ª, and to be printed. (No. 250.)

TRAMWAYS ORDER IN COUNCIL (IRELAND) (SOUTH CLARE RAILWAYS) BILL.

Brought from the Commons; read 1ª; to be printed; and referred to the Examiners. (No. 251.)

PROCEDURE IN LUNACY.

QUESTION—OBSERVATIONS.

Lord HERSCHELL, in rising to ask the Lord Chancellor "whether his attention has been called to the letter of Dr. Percy Smith in the *British Medical*

Journal of 19th July, exemplifying the difficulty now frequently experienced in finding Magistrates to undertake the required duties of certifying lunatics, and the hardship thus inflicted on lunatics and their relatives; and whether he will consider what measures can be taken to lessen as far as possible the inconveniences thus arising," said: My Lords, I have to call the attention of my noble and learned Friend to a somewhat important matter connected with the working of the Lunacy Act. Complaints are made that there is a difficulty experienced in finding a Justice of the Peace, whose act is necessary for the purpose of completing the requirements of the Act in reference to the detention of lunatics. My attention has been called to a particular case where, a lunatic having been admitted into Bethlehem Hospital under an urgency order, it became necessary, in order to comply with the requirements of the Act, and to justify the continued detention of the lunatic, to obtain the necessary documents from a Justice of the Peace. The relations of the lunatic endeavoured to comply with the Act. There were four Justices, I believe, in the district, who were qualified in the manner provided by the Act to act in lunacy matters. Three of them were absent; and the fourth declined to act, and, I believe, suggested a visit to the stipendiary. A visit was made to the stipendiary, and in this particular instance correctly enough he stated he was unable to do what was required of him in the absence of the petitioner. But in many cases I am informed the stipendiaries decline to exercise this jurisdiction under the provisions of the Act, which enables them to do so, if, as I understand, it is inconsistent with their ordinary duties. The result is that in cases of unquestioned lunacy the unfortunate relations of the lunatics are driven from one place to another endeavouring to find a Justice of the Peace who can perform the functions required of a Justice under the Act, and a very considerable amount of trouble, annoyance, inconvenience, and difficulty is entailed, which I am quite sure my noble and learned Friend will feel it is desirable to avoid as far as possible in the case of persons who are often sufficiently distressed at being compelled to part with those who are dear to them. I, therefore, desire to ask my noble and learned Friend whether he will inquire into the matter, in order to see what steps can be taken by which those inconveniences can be mitigated as far as possible.

*THE LORD CHANCELLOR: I have had information from various quarters that some difficulty has been experienced in obtaining judicial authority for reception orders in cases of lunacy. The Act, which made a very considerable change in the law, has only been in operation for three months, and some difficulty was reasonably to be expected at first. So far as it has arisen from insufficiency in the number of justices appointed. I have no doubt that at the meetings of justices at Michaelmas the appointments for next year will be made in the light of the experience which has been obtained. The allegation that Stipendiary Magistrates have manifested a disinclination to carry out the duties entrusted to them by the Statute is a serious one, which must necessarily engage the attention of the Home Office. It would be the Home Office which would, in the first instance, make inquiry in that direction, but I think there must be some misunderstanding in the matter. The terms of the Act of Parliament are quite clear. I do not understand my noble and learned Friend to suggest any alteration of the law. The principle of having a Judicial Authority met with such general assent in both Houses of Parliament, and the details were so carefully considered, that it would be unjustifiable to raise any of the questions over again for some time to come. I think your Lordships may rely upon those who have the working out of the Act cast upon them to get over such difficulties as present themselves in the practical and cordial spirit to which we are accustomed in this country. I have no doubt that at the approaching Michaelmas Sessions the Magistrates will take care, as far as in them lies, that if any inconveniences are found, the deficiency will be supplied. My noble and learned Friend has called my attention to the letter which has given occasion for his observations. I cannot part with that letter without saying that the spirit in which it is written is not one which gives it much

credit with me. My noble Friend, as well as myself, may perhaps be aimed at, as he and my noble and learned Friend Lord Selborne both had to do with the measure until I took charge of it, and finally passed it through the House. I can only say, as far as I am concerned, the suggestions made by Medical Authorities received the most careful attention. I received a deputation, including Sir Andrew Clark and other eminent persons, particularly in that line of medical study, and their suggestions were not only listened to but many of them adopted at my instance. After the Bill had passed in this House, the Home Secretary also received more than one deputation on the subject. I cannot say, therefore, that this letter comes credited with a spirit of great candour on the part of the writer. But the subject certainly requires attention, and if the facts should turn out as they are represented, undoubtedly they are facts which ought to be dealt with, and I can only say they shall receive any attention I can give to them.

TRAMWAYS ORDER IN COUNCIL (IRELAND) (SOUTH CLARE RAILWAYS) BILL—(No. 251.)

To be read 2ª on Monday next.—(The Lord Privy Seal [*E. Cadogan*]).

House adjourned at a quarter past Five o'clock, till To-morrow, a quarter past Ten o'clock,

HOUSE OF COMMONS,

Monday, 4th August, 1890.

ROYAL ASSENT.

Message to attend the Lords Commissioners;—

The House went;—and being returned;—

Mr. SPEAKER reported the Royal Assent to the Bills mentioned on page 1709.

QUESTIONS.

THE CALEDONIAN CANAL.

MR. FRASER-MACKINTOSH (Invernessshire): I beg to ask the Lord Advocate if he will state by what authority and at whose instigation a locked gate has been recently placed on Government property across the much-frequented east bank of the Caledonian Canal at Fort Augustus, near to Loch Ness, although the canal banks have been accessible to, and used by, the public ever since its opening 70 years ago; and whether he will order its immediate removal?

THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): The gate in question is situated on private, not on Government property, and presumably has been placed there by the proprietor. The Canal Commissioners have a right of free access to the banks and are at present negotiating with the proprietor to secure that this right is fully given effect to, but I have no power to order a removal of the gate.

MADAGASCAR.

MR. SAMUEL SMITH (Flintshire): I beg to ask the Under Secretary of State for Foreign Affairs whether he is aware that great anxiety is caused to those interested in missions in Madagascar by the report that this country may give France a free hand in Madagascar in return for assenting to our Protectorate in Zanzibar; whether he is aware that a large part of Madagascar has been civilised and Christianised by British Protestant missionaries; whether great anxiety was caused to those missionaries by the pretensions of France some years ago, and whether a peaceful settlement was then come to, under which Madagascar is making rapid progress; and whether Her Majesty's Government will refrain from doing anything which may give France a pretext to encroach on the liberty of the Malagasy people or disturb the full rights now enjoyed by the British missionaries and their adherents?

MR. JOHNSTON (Belfast, W.): May I ask whether, considering the very harsh treatment of the Rev. Mr. Shaw, the Government will take care that the missionaries are properly protected?

*THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir. J. FERGUSSON, Manchester, N.E.): I think my answer will cover both questions. Her Majesty's Government are well aware of the work and claims of British mis-

sionaries in Madagascar, and will not fail to consider them in all circumstances.

MR. SCHWANN (Manchester, N.): Will the Government, in any negotiations, regard the claims of the Malagasies?

*SIR J. FERGUSSON: That question does not arise out of my answer.

BLACKBURN SCHOOL BOARD.

MR. CODDINGTON (Blackburn): I beg to ask the Secretary of State for the Home Department why he refuses to sanction the rules and regulations submitted by the Blackburn School Board, for the management of the Mayson Street Day Industrial School, provided by that Board, and which has now been ready for occupation for nearly three months, and the teachers and other officers for which have been appointed for the same time, and more especially as such rules and regulations are based on those prepared for the Day Industrial Schools of Nottingham, Gateshead, Wolverhampton, Newcastle, Leeds, Liverpool, Sunderland, Great Yarmouth, and Oxford, which have been sanctioned by previous Home Secretaries?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATHEWS, Birmingham, E.): The Order in Council of March, 1887, which regulates Day Industrial Schools, expressly provides that religious instruction at those schools shall be given to the children by ministers of the religious persuasion, to which they belong with no restriction on the denominational character of that instruction. The rules proposed by the Blackburn School Board do not at all give effect to this provision, nor do they correspond with the rules of the other schools mentioned. They prohibit the teaching of any distinctive religious catechism, or formulary, and for Roman Catholic children provide for religious instruction only by an assistant mistress, and if they are numerous enough to form a class. I have, therefore, declined to sanction these rules, and have advised the adoption of the same rule as that which obtains at the Salford and Manchester Schools. The Inspector of Industrial Schools has strongly urged the adoption in future of such rules as will accord with the intention of the Order in Council, and will, at the same time, remove the causes of that discontent which has arisen, and will necessarily arise in schools where, owing to the imperfect provision being made in the rules, particular denominations have reason to believe that insufficient opportunity is allowed for the religious instruction of the children, belonging to them.

EAST AFRICA—THE INDIAN ABKARI (EXCISE) SYSTEM.

MR. SAMUEL SMITH: I beg to ask the Under Secretary of State for the Colonies whether he is aware that it is reported that the British East African Company purposes introducing the Indian Abkari (Excise) system in Eastern Africa; and whether, in view of the condemnation of that system in India by this House last Session, the Government will interfere to prevent such a course being adopted?

*SIR J. FERGUSSON: We are not aware of the report referred to by the hon. Member, but the policy of Her Majesty's Government, in conjunction with that of other Powers, is to check and restrain the importation of ardent spirits among the natives of Africa.

THE BURMESE DACOIT BOH YAN MYUN.

SIR WILFRID LAWSON (Cumberland, Cockermouth): I beg to ask the Under Secretary of State for India whether he can now give the House any information as to the capture and trial of the Burmese Dacoit Boh Yan Myun?

*THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): With the permission of the House, I will read a telegram which has been received by my noble Friend from the Viceroy, dated August 1st.

"Yours, 29th. Regarding Yan Myun Dacoit. Following received from Chief Commissioner of Burma: 'When proclamation recently issued in Myingyan district, offering free pardon to lesser dacoits, Yan Mynu specially excepted by name, and reward 5,000 rupees offered for his apprehension. On the 28th of May last Macdonald, sub-divisional officer, heard Yan Myun meditated surrender, and sent out a pongyi to communicate with him. Macdonald says no promise was made, but we';—

I presume he means "he"—

'told him if he came in Authorities would probably show him mercy and spare his life. Macdonald also told Pongyi if Yan Myun sur-

rendered he would plead for his life. Yan Myun surrendered two days later, having received no further promise. He has been tried by Deputy Commissioner of District, and sentenced to death, and he appealed to Judicial Commissioner. Appeal not yet decided, and sentence not carried out. Yan Myun first alleged he surrendered on the understanding that Macdonald would do his utmost to get his life spared; subsequently that he received a promise that his life would be spared, but would have surrendered anyhow, owing to constant terror of being murdered. If Judicial Commissioner confirms sentence, it will not be executed until Chief Commissioner has considered case. Sir Charles Crosthwaite (who is Chief Commissioner of Burma) states that we can rely upon him to prevent even apparent breach of faith.'"

ASSAM TEA PLANTATIONS.

MR. SAMUEL SMITH: I beg to ask the Under Secretary of State for India whether his attention has been drawn to the difference in the mortality between coolies employed on the tea plantations of Assam, under the Act of 1882, and those not under the Act, and to the fact that the average mortality of the coolies under the Act is double that of those not under it; whether he is aware that the non-Act labourers are free agents, who take service on healthy plantations, while Act labourers are imported from a distance under long contracts, and are often placed on unhealthy plantations, and that Act labourers are often engaged by contractors for unhealthy places, in entire ignorance of the conditions of plantation life; whether he has observed that the death rate on some of those unhealthy plantations ranges from 200 to 270 per 1,000, or eight times the average mortality of Assam; that on two plantations in 1884 more than half the coolies died; that many of the coolies desert and perish in the jungle; and that many others come back from the tea gardens crippled for life, and have to depend on charity; and whether the Government of India, in the investigation they are now making into the subject, will consider the desirability of ceasing to enforce labour contracts entered into for a term of years?

*SIR J. GORST: The answer to the first question is, Yes. The attention of the Secretary of State has been frequently called to this matter by questions in Parliament, and it has been pointed out that such questions are suggested by those who desire to substitute a system of free immigration for the safeguards of the Act of 1882. The answer to the second question is also in the affirmative. The Government of India consider that the higher mortality among the labourers under the Act is to a great extent accounted for by the fact that these are chiefly new comers, while the non-Act labourers are generally old hands who are seasoned and acclimatised. As to the second paragraph of the question, it is one which, as I have before pointed out to the House, is based on isolated facts picked out of the official Reports of many years past. It gives a most erroneous impression of the actual state of the tea gardens. The answer to the fourth question is, Yes. This is one of the points which is engaging the attention of the Government.

THE WORLD'S PRODUCTION OF GOLD AND SILVER.

MR. KIMBER (Wandsworth): I beg to ask the Chancellor of the Exchequer whether, in view of the increasing interest in the subject and its importance, he can arrange for an annual Return of the World's production of gold and silver (based on the most approximate sources of information available to the Government), and the extent of their use in commerce, the arts, and coinage respectively, as is done by the Director of the United States Mint?

*THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): Such an annual Return as the hon. Member suggests would, if it were trustworthy, be no doubt extremely instructive. But there are many difficulties in the way, and any Return we could give would practically be based upon the same information which is already used by the Director of the United States Mint. I will, however, make further inquiries on the subject.

BROMPTON CEMETERY.

MR. KIMBER: I beg to ask the Secretary of State for the Home Department how many coffins of deceased persons remain above ground in Brompton Cemetery, and is their number allowed to be increased every year; Is he aware that such coffins are sometimes found to have become so deteriorated by age as to allow the escape of noxious gases from their

contents; and whether, in the interests of the public health of the Metropolis, he will consider the expediency of prohibiting any further interments in open catacombs, or of entirely closing the cemetery as a place of burial, or for any other purpose than an open space?

MR. MATTHEWS: I am informed by the Inspector that there are 587 leaden coffins deposited above ground, and about 10 fresh ones are placed in the catacombs every year. It is the fact that the lead of some of these coffins occasionally gives way; but as the catacombs are daily visited, anything amiss is immediately discovered and dealt with. With regard to the cemetery generally, the Inspector is satisfied that the regulations now in force will prevent it from becoming dangerous to the public health; but with regard to coffins deposited in the catacombs, I am now in consultation with the Office of Works with a view of adopting more stringent regulations, which will remove all reasonable cause of apprehension.

LANARKSHIRE MINERS.

MR. DONALD CRAWFORD (Lanark, N.E.): I had intended to ask the Secretary of State for the Home Department whether his attention has been called to the complaints of the Lanarkshire miners, that they have no place to prepare their cartridges, cartridges being the only form in which they are permitted by the Coal Mines Regulation Act to take gunpowder into the mines; and whether, since the preparation of the cartridges in their own houses is attended with great danger, even when compressed gunpowder is used, which is expensive, and not always made up in suitable quantities, he will consider the expediency of legislation to amend the general rules of the Act, and make it compulsory on colliery owners to provide magazines in which the miners can make their cartridges? At the request of the right hon. Gentleman, I beg to postpone the question until Thursday.

BRITISH HONDURAS.

MR. LENG (Dundee): I beg to ask the Under Secretary of State for the Colonies whether the attention of the Colonial Office has been called to the letters by Mr. James Arthur, a merchant of Belize, appearing in the *Times* of Monday, 21st July, and the *South American Journal* of 26th July, complaining of the manner in which the colony of British Honduras has been administered by Sir Roper Tuckfield Goldsworthy since his appointment to the Governorship in 1884, and more particularly with reference to a series of arbitrations in which the colony, without being adequately represented, has been mulcted in considerable sums for alleged breach of contract entered into between the Government of the colony and a Mr. C. T. Hunter, a friend of the Governor; whether a serious constitutional crisis has arisen in consequence of the resignation of all the unofficial members of the Legislative Council, such resignation having been caused by the proceedings of the Governor; whether the Secretary of State for the Colonies will cause inquiries to be instituted into the correctness of these statements, either by sending out to the colony a Commissioner at the cost of the taxpayers or otherwise; and, whether he will lay upon the Table of the House the whole of the correspondence which has passed between the Colonial Office and the Governor of the colony relating to the Hunter Contract case, both before and after the last arbitration held in London?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. DE WORMS, Liverpool, East Toxteth): The Secretary of State has seen the letters of Mr. Arthur. The arbitrations referred to were held by his instructions, and the colony was, in his opinion, adequately and ably represented at them. The unofficial members of the Council tendered the resignation of their seats in consequence of the vote for the amount awarded in the final arbitration being passed by the official majority in accordance with the direction of the Secretary of State, and in so doing they stated that their action was not intended to express any reflection upon the Governor. The Secretary of State has ample material for judging as to the correctness of Mr. Arthur's statements, and sees no need for sending out a Commissioner. He does not think that any good object would be obtained by laying the Papers on the Table of the House, but he will be glad to let the hon. Member see them, if he desires.

SUPERANNUATION OF MINE INSPECTORS.

SIR JOSEPH BAILEY (Hereford): I beg to ask the Secretary to the Treasury whether, by a Treasury Minute, dated 14th June, 1859, the Lords Commissioners of Her Majesty's Treasury, in pursuance of Section 4 of "The Superannuation Act, 1859," declared that a period of seven years should be added to the service of Inspectors of Mines for the purpose of computing their superannuation allowance; whether, on the 8th April, 1873, Mr. Thomas Cadman was appointed an Inspector of Mines; whether Mr. Cadman retired in consequence of ill-health in January, 1887, after 14 years' service; whether Mr. Cadman's superannuation allowance was calculated on 17-60ths of his pay instead of 21-60ths, to which he was entitled, on the ground that for four years he had been Assistant Inspector, whereas in fact he had been from the first appointed Inspector, though employed to do assistant's work; whether the Secretary of State for the Home Department, in a letter addressed to the Secretary to the Treasury, dated 11th October, 1887, stated that up to that date it had been the belief of the Secretary of State and the Civil Service Commissioners that persons thus employed were entitled to the status of Inspectors, no intimation to the contrary having been received from the Treasury; and whether, under these circumstances, the Treasury will re-consider the matter, and award to Mr. Cadman, and others in a similar position, the full superannuation allowance to which Inspectors of Mines are entitled.

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): The Estimates show that there are two classes of Inspectors of Mines—Inspectors and Assistant Inspectors. The number of each class is limited, and cannot be altered without the assent of the Treasury. It was, as stated in the question, to perform the duties of the latter class, that Mr. Cadman was appointed in 1873. The number of Inspectors was at that time fixed at 12, and there was no vacancy among them. Mr. Cadman continued to perform the duties and to receive the salary of an Assistant Inspector until his appointment, in 1876, to be an Inspector, when he became entitled to the higher salary and special rate of pension attached to that class. Assistant Inspectors act in subordination to the Inspectors, and can only become Inspectors by promotion on the occurrence of a vacancy. Their salaries are lower, and they do not fulfil the essential condition for a special rate of pension which is required by the 4th section of the Superannuation Act, inasmuch as they may be appointed at an age (23), not exceeding that at which public service ordinarily begins. Until Mr. Cadman's retirement, no inquiry was addressed to the Treasury, either from the Home Office or the Civil Service Commissioners, as to the right of Assistant Inspectors to special terms of pension; but the fact that Mr. Cadman was appointed after obtaining a certificate of qualification from the latter Department was notice to them and to him, under the terms of the section referred to, that he was not entitled to the special terms of pension granted by that section, which provides that persons appointed to offices placed under it may obtain pensions without having obtained Civil Service certificates.

*COLONEL BLUNDELL (Lancashire, S.W., Ince): Was Mr. Cadman gazetted into the Service as an Inspector or an Assistant Inspector, and are there any duties an Inspector can perform which an Assistant Inspector cannot?

*MR. JACKSON: I have pointed out that the number of Inspectors cannot be increased without the sanction of the Treasury. As there was no vacancy, Mr. Cadman could not be appointed. He entered the Service by open competition, and must, therefore, have had notice that he was not entitled to be pensioned on special terms.

SWAZILAND.

MR. BRADLAUGH (Northampton): I beg to ask the Under Secretary of State for the Colonies whether he is aware that a Convention has been signed with the Transvaal Government, and whether that Convention excludes Her Majesty's Government from the paramount position in Swaziland conceded to it under the Convention of 1884; and whether Her Majesty's Government have acquiesced in the demand of the Transvaal State for extension of their site to the sea?

Baron H. de WORMS: A Convention has been signed by President Kruger, and will be presented this day to the Volksraad. Papers are in course of preparation, and will be presented as soon as possible, including, of course, Sir Francis de Winton's Report. In the meantime it may be convenient to state the substance of the Convention, the final terms of which we have not yet received. (1) The independence of the Swazis as recognised by the Convention of 1884 is re-affirmed and maintained, and the control and management by the Swazi Government, of all affairs in which natives only are concerned, remains unaffected. (2) It is provided that there shall be a joint Administration over the white settlers, under a Proclamation to be issued by the Swazi Regent and Council. (3) A Court of Justice will be established to administer Roman Dutch Law, and to decide all cases, criminal and civil, between white settlers, and to inquire into the validity of disputed concessions. (4) All lawfully acquired rights to be recognised by the Joint Government Committee and by all Judicial Tribunals. (5) The Government of the South African Republic undertakes not to interfere to the North or North-West of the Republic, and to support by its influence the establishment of order and government by the British South Africa Company within the jurisdiction and under the powers granted them by Charter. (6) Her Majesty's Government recognises the right granted to the South Africa Republic by concession from the King of Swaziland, to construct a railway through Swaziland towards the sea. They also approve of the South Africa Republic making Treaties to secure a right to continue that railway to the sea at a point at or near Kosi Bay, and to obtain a concession of an area of 10 miles in radius at or near Kosi Bay. (7) Special provision is made to prevent the sovereignty, control, or management of Kosi Bay, or the area above mentioned, falling into the hands of a foreign Power. (8) Provision is also made for the entering of the South Africa Republic into the existing Customs Union Convention with the Cape, Orange Free State, and Bechuanaland, on terms to be agreed upon. (9) Failing such Agreement within six months, the arrangement as to Kosi Bay is to lapse; but the Joint Government of Swaziland is to continue for three years certain, and will not be terminated after the expiration of three years, unless six months' previous notice be given by either party. If the South Africa Republic enters the Customs Union, no limit of time is named for the termination of the Convention.

Dr. CLARK (Caithness: Will the Papers be in the hands of hon. Members before the discussion comes on?

Baron H. de WORMS: It may hardly be possible to produce them by that time.

*Mr. BRYCE (Aberdeen, S.): Considering the importance of the matter, it is most desirable that at least a Paper containing a summary of the terms should be printed before the discussion comes on.

*The FIRST LORD of the TREASURY (Mr. W. H. Smith, Strand, Westminster): Papers similar in character will be laid on the Table.

ARMENIA.

Mr. O'KELLY (Roscommon): I beg to ask the Under Secretary of State for Foreign Affairs when he proposes to issue Mr. Clifford Lloyd's Report on the late outrages in Armenia, especially in Erzeroum?

*Sir J. FERGUSSON: Reports on the Asiatic provinces of Turkey cannot be ready for presentation this Session.

ENGRAVER TO THE BOARD OF INLAND REVENUE.

Mr. BRUNNER (Cheshire, Northwich): I beg to ask the Secretary to the Treasury whether the vacancy to the post of Engraver to the Board of Inland Revenue has yet been filled up; and, if so, when, and in whose favour?

*Mr. JACKSON: The late Deputy Engraver to the Board of Inland Revenue, Mr. W. De La Rue, was appointed last year to the post of honorary Engraver to the Board.

"EMPEROR OF GERMANY."

Mr. BRUNNER: I beg to ask the Under Secretary of State for Foreign Affairs for what reason the German Emperor was styled the "Emperor of Germany" in Her Majesty's Speech at the opening of the Session; and par-

ticularly whether he was then so described at the request of the German Foreign Office?

*SIR J. FERGUSSON: There was no request from the German Foreign Office for the description mentioned. It has been already stated that hereafter the style "German Emperor" will be officially employed in this country.

ANGLO-GERMAN AGREEMENT AND THE CAPE.

MR. SUMMERS (Huddersfield): I beg to ask the Under Secretary of State for the Colonies whether his attention has been called to the fact that the Cape Colony House of Assembly has, on the Motion of the Hon. Cecil Rhodes, unanimously passed a Resolution regretting that the Cape Government was not consulted with regard to the Anglo-German Agreement, as far as it concerned the territory south of the Zambesi; and whether he is now in a position to state what was the nature of the communications that are alleged to have taken place between the Home Government and the Governmen at the Cape, with reference to the matters dealt with in the Anglo-German Agreement, before that Agreement was made?

MR. CHANNING (Northampton, E.): I beg to ask the right hon. Gentleman whether he is aware that the House of Assembly of the Cape Colony has unanimously passed the Motion submitted by the Hon. Cecil Rhodes, expressing regret that the Cape Colony was not consulted with regard to the Anglo-German Agreement, as far as it concerned the territority south of the Zambesi River, and, further, that a Motion by Sir Thomas Uppington, to the effect that the colony would deeply resent any interference with the direct control of the Cape Parliament over the Walfisch Bay territory, was also unanimously passed; whether Her Majesty's Government have been made acquainted with the grounds on which the two Motions have been based, by any communications or protests from the Cape Government made prior to the signing of the Anglo-German Agreement, or up to the present time; whether he will state the nature of such communications or protests, if any, to the House; and whether he will now state to the House what provisions of the Anglo-German Agreement were laid before the Cape Government, and what provisions were withheld from the Cape Government, in the communications which he has stated took place between Her Majesty's Government and the Cape Colony Ministers before the signing of the Agreement.

*SIR J. FERGUSSON: I will ask to reply at the same time to the question in the name of the hon. Member for East Northampton (Mr. Channing). As regards the first paragraph of both questions we have no official knowledge. As to the second and third paragraphs, we have received no such communications or protests. As to the fourth paragraph the negotiations were conducted in London and Berlin; the High Commissioner's opinion was taken, as is stated in the Despatches published with the Agreements, on the questions of territory contiguous to the British Protectorate of Bechuanaland. The Cape Government was not a party to the negotiations, its territories were not affected by the Agreement, and the general provisions were not laid before it previously to the conclusion of the Agreement. It is not usual to consult a colony with respect to Treaty negotiations unless it is affected by them.

*MR. SUMMERS: Can the right hon. Gentleman now state what was the nature of the communications which were alleged by the First Lord of the Treasury about a month ago to have taken place between the Home Government and the Government of the Cape Colony?

*SIR J. FERGUSSON: Certain communications have passed with the High Commissioner; but, as was stated by the First Lord of the Treasury, they were not of a nature to be communicated to the House.

DR. CLARK: In the White Paper Report there is a reference to a transfer of territory in the Walfisch Bay. What is the territory referred to?

*SIR J. FERGUSSON: There is no question of the transfer of any territory in the Walfisch Bay district. The fact is that the territory there has never been defined. I stated quite distinctly that the Cape Colony had not been directly consulted.

DR. CLARK: Are we to understand that, when determining the question of Walfisch Bay, the negotiations will be between Germany and the Cape Colony?

*SIR J. FERGUSSON: I must ask for notice of the question.

MR. BUCHANAN (Edinburgh, W.): Does the right hon. Gentleman mean to say that the delimitation of the German sphere into Damaraland does not vitally affect the question?

*SIR J. FERGUSSON: I must also ask for notice of that question.

*MR. SUMMERS; I beg to ask the First Lord of the Treasury what was the nature of the communications which he asserts took place with the Cape Colony?

*MR. W. H. SMITH: The hon. Member must be under a misapprehension. I said that communications had passed between the Home Government and the High Commissioner, the High Commissioner being Governor of the Cape; but I think the hon. Gentleman will find that I did not state—at all events I did not intend to state—that communications had passed between the Home Government and the Cape Government.

*MR. SUMMERS: My question had reference to two points—the communications which have passed between the Home Government and the High Commissioner, and the communications which have passed between the Home Government and the Cape Government. The right hon. Gentleman distinctly told me that communications had passed not only with the High Commissioner, but also with the Cape Government, and that they were of a confidential character, the effect of which it was not desirable to state because the negotiations were proceeding. Those negotiations have now concluded, and I wish to know whether the right hon. Gentleman can now state what the nature of those communications was?

*MR. W. H. SMITH: No, Sir, I cannot.

MURDER OF A BRITISH SENTRY AT GIBRALTAR.

MR. WEBSTER (St. Pancras, E.): I beg to ask the Under Secretary of State for Foreign Affairs whether the statements in the *Daily Graphic*, of 29th July, have been called to his attention relating to the recent murder of a British soldier by a Spanish Carabinero, on the neutral ground betwixt Gibraltar and Spanish territory:—

"The facts appear to have been as follows:—On the night in question some smugglers (Spaniards) were observed attempting to run a cargo on the neutral ground. The English sentry, having orders to prevent such action, gave the alarm, and a small patrol attempted to seize the offenders, who at once ran back into the English lines. The Spanish Carabineroes were quickly on the spot, and one of these, a mounted man, galloping up to the English soldiers, turned deliberately in his saddle, and, firing at one of our men, shot him dead. As the act took place on neutral ground, a short distance beyond our lines, and as the perpetrator at once made off, no action could be taken by the authorities, or by the coroner who presided at the inquiry;"

If these statements are correct; and whether, in such a case, he is in a position to inform the House if any communications have passed between the British and Spanish Governments upon the subject?

*SIR J. FERGUSSON: The account, as given in the question, appears to be inaccurate in several particulars; but the matter is under the consideration of Her Majesty's Government, who are in communication with the Spanish Government on the subject.

NEWFOUNDLAND.

SIR GEORGE CAMPBELL (Kirkcaldy, &c.): I beg to ask the Under Secretary of State for Foreign Affairs if Her Majesty's Government have yet received any information regarding what is going on in Newfoundland; whether the measures taken by Captain Baldwin Walker, R.N., under the instructions of Her Majesty's Government, to enforce the *modus vivendi* by closing Mr. Baird's lobster factory and otherwise, are still being carried out; and whether, under pressure of legal process in the Newfoundland Courts, they have been suspended?

*SIR J. FERGUSSON: Her Majesty's Government are informed from time to time by the Governor of Newfoundland of what is going on in that colony. The Reports received from him show that most of the rumours which have been published in the newspapers are gross exaggerations, and that the difficulties which have occurred in connection with the fishery this season have not been of a serious nature. The measures taken by Sir Baldwin Walker to enforce the *modus vivendi* will, where necessary, continue to be carried out; as a matter of fact, only two factories have been closed out of all those in operation on the coast. The instructions under which

that officer has acted have not been suspended.

SIR G. CAMPBELL: Has the embargo regarding Mr. Baird's factory been removed, and has this been done on pressure of legal process in the Newfoundland Courts?

*SIR J. FERGUSSON: I will make inquiry.

IRELAND—SHADOWING.

MR. FLYNN (Cork, N.): I beg to ask the Attorney General for Ireland whether his attention has been called to the law as laid down in 38 and 39 Vic., c. 86, which enacts that every person commits a misdemeanour who, with a view to compel any other person to abstain from any act which he has a legal right to do, persistently follows such person from place to place, or persistently watches or besets the house, or other place, where such other person resides, or works, or carries on business; and whether he can say if the Criminal Law and Procedure Act repeals, or the constabulary regulations over-ride, these sections of the Act quoted; and, if not, under what authority or Statute constables act who are engaged in shadowing duty in Ireland, when they shadow farmers, cattle dealers, and others, engaged in business at different fairs and markets in Ireland.

THE ATTORNEY GENERAL FOR IRELAND (Mr. MADDEN, Dublin University): I am aware of the enactment referred to in the question, which has no application whatever to the action of the police. It refers to costs in relation to trade disputes done wrongfully and without legal authority, and for the purpose of intimidation.

MR. SEXTON: Do the instructions to the police warn them not to obstruct persons who are engaged in the transaction of business?

MR. MADDEN: I am not aware of the precise instructions, but if the hon. Member will put a question upon the Paper I will inquire.

DR. TANNER (Cork Co., Mid.): I beg to ask the Attorney General for Ireland whether he is aware that a gentleman, named William Lee, was closely shadowed in Youghal by two policemen last Tuesday evening; whether this action was taken on instructions given by authority; and whether it was done in consequence of Mr. Lee being a local organiser of the labour movement?

MR. MADDEN: As the hon. Member did not specify any district when he originally placed this question on the Paper the Constabulary Authorities were unable to make the necessary inquiries. They are, however, now proceeding.

HAULBOWLINE DOCKS.

DR. TANNER: I beg to ask the First Lord of the Admiralty how many labourers and artisans are now employed at Haulbowline Docks; what buildings have been completed during the past and present financial years; what total amount has been spent on the works up to the present time; and whether there is any immediate prospect of their completion?

*THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): About 50 men are employed daily, on the average. No new buildings were erected during the past financial year, but various works were carried out at a cost of £6,800, and it is proposed to spend on similar works about £6,200 during the present financial year. The total cost of the extension works, which were completed in 1888, exclusive of the annual minor works and repairs, was about £567,000. The extension works have beeen practically completed, but it may be necessary to make some small addition hereafter.

DR. TANNER: How soon will the docks be able to receive a ship?

*LORD G. HAMILTON: I am not certain, but I think that a ship could be docked there at the present moment.

MR. J. O'CONNOR (Tipperary, S.): Money was obtained for the erection of certain machinery last year or the year before. Has the machinery been erected, and, if so, what is being done with it; if any work has been done, what is its character?

*MR. SPEAKER: Order, order! That is a question which requires notice.

CONSTABULARY FORCE FUND.

MR. SEXTON (Belfast, W.): I beg to ask the Attorney General for Ireland what is the present condition of the Constabulary Force Fund, particularly as to the gross assets, the annual receipts, and the annual expenditure; by whom the account is kept, by whom it is audited,

and whether any periodical statements are published or furnished to the contributors; what is the intention of the Irish Government in regard to the fund; and whether they are disposed to wind it up at the desire of the contributors.

MR. MADDEN: The condition of the Constabulary Force Fund has been for some time engaging the careful attention of the Irish Government in communication with the Treasury. The question is now in an advanced stage, and we hope to be in a position at an early day to make a statement on the subject which will be satisfactory to all parties concerned.

MR. SEXTON: I will repeat the question on Monday.

PRIMARY TRAINING COLLEGES.

MR. SEXTON: I beg to ask the Attorney General for Ireland whether, in equalising the position of the Irish Primary Training Colleges, account will be taken, in the case of the non-official colleges, of the special annual charges arising against their credit funds, owing to the disadvantage arising from inequality of treatment up to the present time?

MR. MADDEN: I must ask the hon. Gentleman to postpone the question until to-morrow.

DRAINAGE OF DERRY PRISON.

DR. FITZGERALD (Longford, S.): I beg to ask the Attorney General for Ireland if he can state what alterations have been made in the drainage of Derry Prison since Major Beamish issued his Report with regard to the sanitary condition of the prison; and how often the dusthole of the prison is now cleared out?

MR. MADDEN: The General Prisons Board report that since the Report referred to one of the drains in the female prison has been altered, and now discharges into the Bennet Street sewer, and a ventilating pipe has been erected at the head of the Bennet Street sewer. The dusthole referred to is, by order of the Board, cleared out once a month.

LAND COMMISSION—DERRY AND DONEGAL.

MR. DALTON (Donegal, W.): I beg to ask the Attorney General for Ireland if he can explain how it happened that at the sittings of the Chief Land Commissioners in Derry on the 18th of June, in the case of General Tredennick, landlord, James O'Donnell, tenant, the Court made an order to have the tenant's case re-heard at the next sitting of the Chief Commissioners in Donegal, though the case was adjudicated upon three years ago by the Sub-Commissioners and the landlord did not give notice of appeal within the time required by law?

MR. MADDEN: The Land Commissioners report that the facts are as stated in the question. They have adopted the course referred to in order to enable a mistake in the area and denomination of the holding, set forth in the Order made by the Sub-Commission, to be rectified. This mistake was ascertained for the first time at the sitting of the Land Commission in Derry in last June, in the hearing of a case between the tenant's father and the same landlord by the admission of the tenant who was a witness in the case.

MERCHANDISE MARKS ACT—IRISH LARD.

MR. M'CARTAN (Down, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, with reference to "The Merchandise Marks Act, 1887," whether his attention has been called to the reports of the proceedings at a meeting of the Provisions Curers' Association of Ulster, held at Belfast on the 25th July, when it was resolved that—

"Special legislation is needed to protect the Irish lard trade, which has been practically undermined by the system of shipping 'American lard refined in Belfast,' branded as 'Pure bladdered lard, Belfast,'"

and also that, for the efficient working of the above Act as a protection to the public—

"It is essential to appoint a Public Prosecutor and Inspectors to carry out its provisions;"

and whether, considering the very influential and representative character of the meeting referred to, and the importance to the public in being supplied with lard in its pure state when they ask for it under that name, he will consider what steps can be taken in the direction pointed out by the resolutions adopted at said meeting?

MR. MADDEN: I have been informed that no such resolution has been received as that mentioned in the first paragraph of the question. I will, however, make inquiries into the matter.

MR. DAVID M'GAW.

MR. WILLIAM REDMOND (Fermanagh, N.): I beg to ask the Postmaster General whether Mr. David M'Gaw, of Enniskillen, has been paid the £200 offered to him in settlement of his claim in May last?

A LORD OF THE TREASURY (Sir H. MAXWELL, Wigton): No payment has been made to Mr. McGaw. When his application was laid before the Lords of the Treasury, their Lordships felt themselves unable to renew the offer of 1884, having regard to the rent received in the interval by Mr. McGaw in excess of the value of his premises, and to the costs thrown upon the Department by his rejection of that offer. As an act of grace, however, and still denying any legal liability, they have authorised a payment to him of £100 on certain conditions, and the matter is under his consideration.

CLERK OF THE BANDON UNION.

MR. FLYNN: I beg to ask the Attorney General for Ireland whether it has been brought to the notice of the Local Government Board that the clerk of the Bandon Poor Law Union was absent from his office 12 days in December, 10 in January, 8 in February, 10 in April, and 10 in May; and, if brought under their notice, has the Board demanded any explanation from the clerk of this neglect of duty; and, if so, what explanation has been tendered?

MR. MADDEN: It appears from a letter received from the clerk of the Bandon Union that he was absent from his office on the days mentioned in the question owing to ill-health; but he states that he is now recovered, and hopes to be able to attend at his office regularly in future.

FERMOY PETTY SESSIONS.

MR. FLYNN: I beg to ask the Attorney General for Ireland whether he is aware that at the last Fermoy Petty Sessions, Mr. Redmond Donegan was charged with and found guilty of assaulting Mr. J. D. Bremner, T.C., and was fined by the Magistrate 2s. 6d. and costs; that at the same Sessions Mr. James Maye, charged with a technical assault on a policeman (which occurred so far back as September, 1889), was sentenced to seven days' imprisonment at hard labour; and if he can explain why the latter case was tried before a Court constituted under the Criminal Law and Procedure (Ireland) Act, consisting of two Resident Magistrates, whilst the former was tried before a Bench of ordinary Magistrates, under the ordinary law?

MR. MADDEN: I am informed that the difference in the modes of procedure and in the punishments inflicted was due to the difference in the nature of the assaults. The assault on Mr. Bremner is reported to have been a very trifling one, committed by an old man on a comparatively young man in the course of an angry discussion. The other assault was not a technical one as suggested in the question, but an actual and deliberate one, committed in open Court, where Maye was at the time on trial, and where the constable was on duty.

MR. J. O'CONNOR: May I ask whether the difference in the procedure in the two cases was due to the fact that Maye was a Nationalist?

MR. MADDEN: I say distinctly—no, Sir.

THE EAST LANCASHIRE REGIMENT.

MR. M'CARTAN: I beg to ask the Secretary of State for War whether his attention has been called to the report in the *Newry Reporter* of 26th June, 1890, of an action for trespass against Captain Irwin, of the East Lancashire Regiment, brought before the County Court Judge of Down at the last sitting of the County Court at Newry, from which it appears that, on the 15th July, 1889, Captain Irwin and about 60 men of his regiment were going through a "night attack," in the course of which a number of his men trespassed on the lands of Mr. James Goodman, of Cloghmore, and did damage to his crops; whether he has observed that it appeared in evidence that, when Mr. Goodman protested against the trespass on his crops, one of the soldiers pointed a revolver at him and threatened to shoot him; whether Mr. Goodman offered to leave to arbitration

the amount of loss sustained by him; whether Colonel Griffiths, on 14th August last, in answer to a letter of Mr. T. J. Marron, solicitor for Mr. Goodman, referred Mr. Marron to Captain Irwin as—

"The officer who was in sole command, and who was solely responsible for any occurrence connected with his party on that night";

whether at the trial advantage was taken of the fact that the trespassers were under the immediate command of the colour sergeant, and that the proper defendant was not before the Court; and whether the Judge is correctly reported to have said—

"He believed damage had been done by the military, but he could not hold Captian Irwin liable,"

and he dismissed the case; and whether he will cause inquiry to be made into the matter, and see that fair compensation be given to Mr. Goodman for the damage done to his property by the soldiers on that occasion?

THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): It appears that in July, 1889, a patrol, consisting of a corporal and two privates of the East Lancashire Regiment, trespassed on Mr. Goodman's ground. No revolver was in possession of the party, and they had no blank or ball cartridge with them. One of the men was said to have pointed his rifle at Mr. Goodman. Captain Irwin, who was asked to settle the matter, offered to cover the alleged damage, which was refused, and Captain Irwin was unable to get any answer regarding it. A summons was taken out against Captain Irwin, but was dismissed owing to the non-appearance of the complainant. The case was brought forward again at the Quarter Sessions, and it appeared from the evidence he had before him the amount of compensation offered—namely, £1—was ample.

MR. SEXTON inquired if the right hon. Gentleman had received the Report, from which it appeared that the County Court Judge thought the damage had been committed, and expressed no opinion as to the £5 claimed being excessive damage, and if the right hon. Gentleman himself would pay the £5, as the case was dismissed, because Captain Irwin was not the proper officer?

MR. E. STANHOPE: I am informed the case did not come on because the complainant did not appear. Under these circumstances, it is not likely I am going to pay the £5.

MR. SEXTON: I have the Report to which I have referred in my possession.

MR. E. STANHOPE: If the hon. Gentleman will let me see the Report I will consider whether there is anything further in it.

MR. F. C. GARVEY.

DR. TANNER: I beg to ask the Attorney General for Ireland whether he is aware that Francis C. Garvey, of Murrisk Abbey, Mayo, Ireland, who was appointed clerk of Petty Sessions for Louisburgh district by the Justices of said district, and also recently appointed Commissioner for taking affidavits by the present Lord Chancellor of Ireland, was dismissed his ship and the Service, he being then an officer in the Royal Navy, on a charge of larcency, and was sentenced to a term of imprisonment; and whether, in the face of the above-mentioned finding, he will be continued in the position of trust and emolument to which he has been appointed?

MR. MADDEN: The Registrar of Petty Sessions Clerks reports that the Petty Session clerk mentioned admits the truth of the allegations, but pleads that the occurrences took place when he was but 16 years of age. Had the matter been brought under the notice of the Lord Lieutenant at the time, I have no doubt that he would have given it careful attention in deciding whether the appointment should be made. But as the Registrar reports that the conduct of the clerk since his appointment seven years ago has been good, and that the inspection and inquiries which have from time to time been made show him to be perfectly trustworthy, His Excellency, having regard to all the circumstances, would not feel justified in dismissing him from the position.

DR. TANNER: Am I to understand that a person who has been dismissed from Her Majesty's Service for theft is regarded by the Lord Chancellor of Ireland as a fit or proper person to hold this appointment. Is he not retained simply because he is a Protestant and an Orangeman?

MR. MADDEN: After a service of seven years Mr. Garvey has proved to the heads of the Department that he is perfectly trustworthy, and it would not be right to go back upon matters which occurred so long before.

THE DRILL GROUND AT NEWTOWNARDS.

MR. M'CARTAN: I beg to ask the Secretary of State for War, with reference to the ground for the encampment of the 3rd Battalion of the Royal Irish Rifles at Newtownards, whether he is aware of the general dissatisfaction among the officers and men of the regiment on account of the unsuitableness and inconvenience of the present place of encampment; whether he is aware that the drill ground is small and bad, and the distance from the shooting range is so far that it takes three days to put a company through, each company firing 10 rounds a day; whether his attention has been called to the correspondence on the subject published in the *Newtownards Chronicle* of 28th June last and of the 5th instant; and whether, considering the statements therein and the complaints made by officers and men, he will make inquiry with the view to let them have the use of the huts at the shooting range when next up for drill, or if he will consider the desirability of securing a place of encampment convenient to the present shooting range?

*MR. E. STANHOPE: The ground consists of 27 acres, and is in every way suitable for the purpose.

DISTRICT INSPECTOR BALL.

MR. FLYNN: I beg to ask the Attorney General for Ireland if he has now read the depositions in the case of "District Inspector Ball *v.* David Kent;" if he has seen the depositions of Edward Kent, who swears that he had about a score of lambs to sell at the fair, and that his brother, the defendant, came up followed by a constable, and that he told his brother that the lambs would not be taken from him if the constable remained alongside; and if, in view of this sworn statement of deponent, the Constabulary Authorities are entitled by law to order policemen to shadow cattledealers or farmers engaged in buying or selling transactions at fairs or markets in Ireland?

MR. MADDEN: I have seen the depositions in the case referred to. Having regard to the charge on which the adjudication took place, it was not necessary to go into evidence as to the maintenance of the boycotting, which the police were endeavouring to put down; but I may state that no such orders were given as is assumed in the concluding paragraph of the question.

DUBLIN POST OFFICE.

MR. FLYNN: I beg to ask the Postmaster General if he is now in a position to state when the vacancies for first class sorters and overseers in the Dublin Post Office will be filled; and whether the increase of pay will date from the time the vacancies occurred?

SIR H. MAXWELL: The authorities at Dublin have not yet been able to report favourably upon the qualifications of the members of the classes next below those upon which the vacancies exist. The vacancies cannot be filled until such Report has been received. As regards the latter part of the hon. Member's question, the Postmaster General cannot promise that the promotions, when promotions come to be made, will take effect from the date of the vacancies. It will, I understand, be a question with him whether the earliest period from which the higher pay should take effect should not be the date on which the recipients proved themselves qualified for the duties to which the pay attaches.

THE ROYAL IRISH CONSTABULARY.

DR. FITZGERALD: I beg to ask the Attorney General for Ireland whether any representations have been made to the Police Authorities or to the Board of Works to take over, as quarters for married members of the Royal Irish Constabulary, the house in Carrickmacross from which Mr. Thomas Phelan, J.P., was evicted; and, if so, whether there is any intention on the part of the Government of taking the house from Mr. Shirley?

MR. MADDEN: No such representations have been made.

THE TRAINING SHIP *GRAMPIAN*.

MR. FLYNN: I beg to ask the First Lord of the Admiralty if his attention has been called to the following adver-

tisement which appeared in the *Belfast Evening Telegraph*—

"Training Ship *Grampian*.—Wanted, a ship's cook; must be a Protestant. Application, with copies of testimonials, to be sent to the Captain Superintendent on board;"

and whether the Admiralty approve of this exclusion of all but Protestants from the situation of a cook in a training ship?

*LORD G. HAMILTON: The *Grampian* was lent by the Admiralty in 1871 to a committee of gentlemen representing the City of Belfast, for use as a training ship for the Mercantile Marine. The management of the institution rests entirely with the committee, and the Admiralty have no power to interfere in the selection of any of the seamen or domestics employed in the training ship.

INCREASE OF SENTENCE ON APPEAL.

MR. SEXTON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Recorder of Cork, in the appeal of Patrick Staunton, convicted of boycotting by the Resident Magistrates and sentenced to three months' imprisonment with hard labour, told the defendant, in reply to some observations, "I have the power of giving you a little more;" "if you say much more I will give you three months more;" and finally adjudicated in the following terms: "I confirm the sentence; I give him another month—four months;" whether the increase of a sentence on appeal, because of observations made by the defendant, is in accordance with law; and whether the Executive will enforce the additional month's imprisonment?

MR. MADDEN: I am not aware whether the Recorder of Cork made the observations attributed to him; but it appears from the entry in the Order Book that he confirmed the sentence, but varying it by increasing it from three months' hard labour to four months' hard labour. It is not within the province of the Executive Government to review or to discuss sentences pronounced by County Court Judges in appeals which may come before them. As regards the concluding paragraph, the Prisons Board will, of course, act in accordance with the warrant of committal issued in pursuance of the order of the Judge.

MR. SEXTON: Has the right hon. and learned Gentleman read the report of the trial? Had the Recorder any legal power to increase the original sentences on appeal, not on account of further evidence, but in consequence of some language used by the defendant in Court? Has not the Executive power to release the prisoner when it chooses?

MR. MADDEN: The Prisons Board have no power to do anything of the kind under the committal warrant. I have no right to review or discuss the Judgment of the Judge who made the order. There is no doubt as a general principle of law, and without discussing the facts of the case, that a County Court Judge, on appeal from a sentence—which amounts to a re-hearing of the case—has the right to impose the sentence which he considers should have been imposed by the Court below in the first instance.

MR. SEXTON: Had the Judge a legal right to pronounce an increase of sentence in a case where nothing relevant to the original charge was adduced, but simply because the defendant used language which the Judge considered to be disrespectful, and could the Judge impose a sentence for contempt?

MR. MADDEN: This is asking me not to answer a general question, but to review and discuss the legality of the decision of the Judge in the case. I must decline to express an opinion upon, or discuss in any way, the decision of the Judge.

DR. TANNER: Was it not the fact that Mr. Hamilton had pronounced sentence upon the prisoner; that he subsequently cautioned him, and then increased the sentence by one month; and was not the second sentence deliberately given for contempt of Court?

MR. MADDEN: It is not for me to say one way or the other.

MR. J. O'CONNOR: May I ask whether, in order to put an end to these scandals, the right hon. Gentleman will consider the propriety of such cases as this being tried by a Judge who is not himself a landlord.

*MR. SPEAKER: Order, order!

MR. SEXTON: What is the remedy of the prisoner at the end of the original term of three months' imprisonment?

MR. MADDEN: The legal remedy for any person who is in illegal custody is *habeas corpus.*

THE SENTENCE ON MR. TULLY.

DR. FITZGERALD: I beg to ask the Attorney General for Ireland, with reference to the treatment of Mr. Jasper Tully, editor of the *Roscommon Herald*, now a prisoner in Tullamore Gaol, if he can state what was the sentence imposed upon Mr. Jasper Tully; is he aware that he is engaged in the labour of sack-making, and that his hands are full of sores; that he has lost two stone in weight during the two months he has been in prison; and that he is now suffering from an attack of diarrhœa; and, if so, why is he not placed under hospital treatment; and if the sentence did not include hard labour, why is the work of sack-making imposed upon the prisoner?

MR. MADDEN: The General Prisons Board report that Mr. Jasper Tully is in custody under sentences of 14 days and three calendar months' imprisonment, concurrently, without hard labour. During four days after committal to Tullamore Prison this prisoner made sacks, although informed that he could by Statute be exempted from labour by paying for his food. Since that time he has been taking advantage of the exemption; but he asked to be permitted to have a few sacks to pass his time, and the Governor gave them on the clear understanding that it was his own desire. His hands have not suffered in any way as alleged. He lost 8lb., not 28lb. in weight subsequently to committal, but has since regained 1lb. He is not suffering from diarrhœa. He had a slight attack for four days, but it was of such a nature as not to render hospital treatment necessary. The Board are required by Statute to provide employment for prisoners, though not sentenced to hard labour. Sack-making untasked is one of the forms of employment so provided.

MR. SEXTON: May I ask whether, according to a statement publicly made, this treatment is in accordance with the sentence? From the instant Mr. Tully entered gaol he has been subjected to the most insulting and degrading treatment; not content with classing him with the ordinary criminals and setting him to pick oakum, he has been put to sack-making in the prison, in which work his hands and fingers have been torn and lacerated in the most cruel manner; his dietary has been changed, and the class of food kept down in his case, though he has repeatedly asked for a change; he further complains of the constant annoyance and supervision to which he is subjected; that his clothes are taken away from him and rummaged by the warders; and that he is left standing naked on a stone-flagged cell.

MR. MADDEN: Certain of those statements are not met by the information in my possession; but, so far as the statements contained in the question relating to oakum-picking and sack-making are concerned, they are absolutely unfounded. When Mr. Tully was given sacks to make, he was told that he might, under Statute, exempt himself from doing so. Mr. Tully elected to exempt himself by making a payment for food; but subsequently sacks were given to him at his own request, and in order to find him employment.

MR. SEXTON: I will take the earliest possible opportunity of bringing this case under the notice of the House.

MR. MADDEN: I can only answer the question according to the information which has been placed before me; but if the hon. Member will put a question on the Paper as to the other points, I will try to find out.

MR. SEXTON: I will do so to-morrow.

DR. FITZGERALD: I am compelled to say that not a single particle of the reply of the right hon. and learned Gentleman is true. [*Cries of* "Order!"] Sack making is hard labour in Tullamore Prison. If the right hon. Gentleman does not know that that is so, I can tell him from my own experience that it is. Why, then, was a person who was not sentenced to hard labour put to sack-making?

[No answer was returned.]

LABOURERS' COTTAGES AT CLOGHERHEAD.

MR. NOLAN (Louth, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been drawn to the insanitary condition of a large number of labourers'

cottages at Clogherhead, County Louth, and to the difficulty of dealing with them, owing to the absence of other houses of any kind available for the labourers in the neighbourhood; and whether, under the circumstances, he will instruct the Local Government Board to confer with the Local Sanitary Authority, with a view to providing suitable accommodation for these people before they are driven from their present dwellings?

MR. MADDEN: The insanitary condition of the village referred to has, I am informed, been for some months engaging the attention of the Drogheda Board of Guardians. They have already taken steps to deal with the matter, and state that it shall continue to have their attention until the village is improved.

FREE TRADE AT ZANZIBAR.

MR. SUMMERS: I beg to ask the Under Secretary of State for Foreign Affairs whether it is provided in Article VII. of the Commercial Treaty of 1886, that

> "A duty not exceeding five per cent. shall be paid at that port in the dominions of the Sultan of Zanzibar where the goods are first landed, and on payment thereof such goods shall thereafter be exempt within the Zanzibar dominions from all other Customs Duties or Taxes levied by or on behalf of the Government of His Highness the Sultan";

and whether, in the event of the mainland portion of the Sultanate of Zanzibar being ceded to Germany, goods which have paid the 5 per cent. duty on entering the island, would be liable to pay another 5 per cent. duty on entering the mainland?

*SIR J. FERGUSSON: It may be assumed that if the mainland and Zanzibar are separated, goods coming from the latter would certainly be treated like goods coming from any other foreign country. The best security against undue burdens upon trade is that they would tend to divert it to another sphere.

*MR. SUMMERS: Do I understand the Under Secretary to say that, under the Anglo-German Treaty, there will be an end of Free Trade between the Island of Zanzibar and the mainland?

*SIR J. FERGUSSON: I have answered that question repeatedly. If the mainland of Zanzibar or part of it falls into the hands of the German Government it will be subject either to the conditions of the Commercial Treaty with Zanzibar or to those of the Berlin and Brussels Act.

SIR G. CAMPBELL: Are goods from Zanzibar free to enter that portion of the mainland where the Sultan's flag flies without paying additional duty?

*SIR J. FERGUSSON: Certainly.

MR. BRYCE: May I ask whether the effect of the Anglo-German Agreement will not practically be to abrogate the Zanzibar Treaty of Commerce?

*SIR J. FERGUSSON: I understand the German Government desire to be held by the terms of the Zanzibar Treaty of Commerce.

THE CASE OF MESSRS. HEATH AND SMITH.

MR. BRADLAUGH: I beg to ask the Secretary to the Treasury whether he will lay upon the Table a Copy of the General Order of Customs, No. 67, 1890, and the correspondence between the Treasury and the Commissioners of Customs relating to the case of Messrs. Heath and Smith, two officers of Customs, recently punished for communicating with the private secretary of the Chancellor of the Exchequer on the subject of promotion in the Department?

*MR. GOSCHEN: I will lay Papers on the Table; but I may point out at once that the officers were, of course, not punished for communicating with my private secretary. What their offence was will appear from the Papers.

MR. BRADLAUGH: When will the Papers be presented?

*MR. GOSCHEN: In a few days.

THE DEATH OF CHRISTOPHER O'CONNOR.

MR. DALTON (for Mr. WILLIAM CORBET, Wicklow, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland has the inquiry promised into the death of Christopher O'Connor, a patient in the Richmond District Lunatic Asylum, been held; and, if so, what is the result; has the verdict of the Coroner's Jury, who found that death was caused by violence, been upheld; has anyone been punished in connection with the case; and, if not, what steps will be taken to bring the guilt home to whoever inflicted the

injuries; and what compensation will be given to the widow and orphans?

MR. MADDEN: My answer to the first two paragraphs is in the affirmative. The services of an attendant accused of having inflicted the injuries have been dispensed with by the Board of Governors, and the Papers in the entire case have been submitted by the Inspectors of Lunatic Asylums for the consideration of the Executive Government.

CASE OF TRESPASS AT DUNFANAGHY.

MR. DALTON: I beg to ask the Attorney General for Ireland if his attention has been called to the proceedings at Dunfanaghy Petty Sessions on the 28th of June, in the case of Mr. Crawford against Derryheriff peasants for trespass, and wherein the Magistrates made an order that the tenants should pay £2 2s. solicitor's fees; and whether, seeing that it was afterwards proved that the Magistrates had no jurisdiction, they were within their right in making this order?

MR. MADDEN: I am informed that when the cases referred to came before the Court on 28th June they were adjourned on the application of the defendants on the usual terms of their paying the cost of the day. The cases were not gone into at all on that day. On 12th July they again came before the Court. One of the defendants was fined and the remaining cases adjourned, pending the result of a case stated. It does not appear from any information before me that the Magistrates had no jurisdiction.

GAOL MORTALITY IN BENGAL.

MR. BRADLAUGH: I beg to ask the Under Secretary of State for India whether he is aware that, while the average town mortality in Bengal in 1889 was 25·03 per 1,000, the gaol death rate in the same Presidency was 45·8 per 1,000, and in other parts of India much higher, attaining in some instances to 120 per 1,000; whether the regulations under which Indian gaols are conducted were framed by gaol officials; and whether the Secretary of State will direct the attention of the Government of India to this excessive mortality, with a view to the adoption of means to secure its reduction to at least the average mortality of the district in which each gaol is situated?

*SIR J. GORST: The official Returns for 1889 have not yet been received. In 1888 the death-rate in gaols was 44·7 for Bengal, and 33·1 for the whole of India, which was a satisfactory reduction from 35·6, the death-rate of the preceding year. The regulations are framed by the Government of India. The attention of the Secretary of State and Government of India has for some time past been directed to the mortality in gaols; and the Government of India is now engaged, in concert with the Local Governments, in considering suggestions for endeavouring to diminish the amount.

EX-CONSTABLE BRENNAN.

DR. TANNER: I beg to ask whether ex-Constable Peter Brennan, late of the Royal Irish Constabulary, who was convicted by a Coroner's Jury of wilful murder, has been allowed or encouraged to retire from the police, and granted a pension of £72 per annum; and whether Brennan, having failed in business as a publican in Kinsale, has been recently employed as a bailiff by the Sheriff for the County of Cork?

MR. MADDEN: The Constabulary Authorities report that it is the case that the ex-sergeant named was included with other members of the Force in a verdict of wilful murder, found by a Coroner's Jury, but that that verdict was subsequently quashed as an improper one by the Superior Court. He retired in ordinary course, after 30 years' service, with the pension mentioned. It is the case that he subsequently failed in business. This failure was, I am informed, owing to the system of boycotting instituted against him. He is now employed as stated in the question.

DR. TANNER: Will the right hon. and learned Gentleman try and impress upon the Executive Government in Ireland the desirability of ceasing to employ murderers and thieves for the purpose of administering the law?

*MR. SPEAKER: Order, order!

THE PELICAN CLUB.

MR. COGHILL (Newcastle-under-Lyne): I beg to ask the Home Secretary whether he can now state what was the character of the "boxing matches" at the Pelican Club; and whether he has

obtained any reports from the police about it, or from any other quarter than "a member of the Committee of the Pelican Club?"

MR. MATTHEWS: I am informed by the Commissioner of Police that he has no information to the effect that fights of an illegal character are carried on at the Pelican Club, nor has he reason to believe that such is the case. If the hon. Member is in possession of evidence to the contrary effect, and will submit it to me, I will take what steps are necessary to provide against any infraction of the law.

SCOTCH ECCLESIASTICS AND PRECEDENCE.

SIR G. CAMPBELL: I beg to ask the Lord Advocate whether any princely rank had been accorded to the Moderator of the Free Church of Scotland, such as had been accorded to Cardinal Manning, as head ecclesiastic in England of another unestablished Church?

MR. J. P. B. ROBERTSON: I am not aware of any question having arisen on this point.

DECORATION OF THE HOUSE OF COMMONS.

MR. JAMES ROWLANDS (Finsbury, E.): I beg to ask the First Commissioner of Works whether the existing contracts for decorating and painting the House of Commons and public offices will shortly terminate; and whether in the new contracts he will stipulate with the contractors that they shall pay a standard rate of wages to the workmen in the particular trades?

THE FIRST COMMISSIONER OF WORKS (Mr. PLUNKET, Dublin University): The general contract in which the decorating and painting of the House of Commons is included will terminate next year. A Departmental Committee is now sitting to inquire into the question of the terms upon which new contracts for such services shall be made.

WOOLWICH ARSENAL—CASE OF MR. B. DUNN.

MR. JAMES ROWLANDS: I beg to ask the Secretary of State for War whether Mr. Bernard Dunn was the first person who called the attention of the Government to the fact that bad articles and materials were being passed into Woolwich Arsenal; whether Colonel Barrington reported that Mr. Dunn was misinformed; since then the Judge Advocate General has reported that Mr. Dunn's allegations were well founded, and that it was unfortunate that the higher officials did not take more notice of them when they were first made; whether Mr. Dunn frequently complained that he was being unjustly treated by the officials; and has any inquiry been made into his charges against the officials; if so, by whom, and when; if not, considering the services Mr. Dunn has rendered, whether he will cause an impartial inquiry to be made into the charges made by Mr. Dunn against the officials in the Department in which he was employed, and from which he has been discharged?

*MR. E. STANHOPE: As I have already stated in this House, Mr. Moody was the principal complainant as to the bad material passed into the Arsenal; but he was supported by Mr. Dunn. The second and third paragraphs of the hon. Member's question appear to be a correct statement of facts. Mr. Dunn's complaints have been most fully inquired into, as I have more than once informed the House. Mr. Dunn has now been discharged for insubordinate conduct, and I cannot undertake to make further inquiries into his case.

MR. A. O'CONNOR: May I ask whether it has not been well understood at Woolwich that Dunn is a marked man?

*MR. E. STANHOPE: I am quite sure that is not the case.

MR. A. O'CONNOR: I put it to the Secretary of State whether of his own knowledge, months ago, a Member of the Government did not intimate his own opinion that Dunn ought to be "sacked"?

*MR. E. STANHOPE: I am not aware who the Member of the Government alluded to is.

MR. HANBURY (Preston): Since the Secretary of State has punished Dunn so severely, will he also inquire into the case of those men against whom Dunn brought and proved the charge that they had introduced bad material into Her Majesty's Services.

*Mr. E. STANHOPE: I have made such inquiry, as I have told the House several times already.

Mr. HANBURY: May I ask the right hon. Gentleman what he has done?

*Mr. E. STANHOPE: I troubled the House with a speech of nearly an hour's length on this subject last Session, and explained what I had done.

Mr. J. ROWLANDS: I wish to know whether Dunn has not made an allegation, supported by evidence, to the Secretary of State for War since the inquiry presided over by the Judge Advocate, as to whether he wishes for further inquiry?

*Mr. E. STANHOPE: It is true Dunn did supply me with additional evidence. Upon this I had caused to be made a most careful and independent inquiry, which proved beyond any doubt that the complaint was entirely unfounded.

VOLUNTEER OFFICERS AT COURT.

Mr. TATTON EGERTON (Cheshire, Knutsford): I beg to ask the Secretary of State for War whether it is true that Her Majesty has been graciously pleased to place officers of the Volunteer Force in the same position with regard to presentations at Court as officers of the Auxiliary Forces?

*Mr. E. STANHOPE: I have very great pleasure in informing my hon. Friend that Her Majesty has been graciously pleased to place Volunteer officers in an exactly similar position to officers of the rest of the Army as regards presentation at Court.

OUTRAGES IN ARMENIA.

Mr. SCHWANN: I beg to ask the Under Secretary of State for Foreign Affairs whether his attention has been drawn to the statement in the *Daily News* of 2nd August, by telegram from Erivan, that a fortnight ago Kurds attempted to carry off a newly-married Armenian woman from the village of Vartenis, near Moosh, and a struggle ensued, in which two Armenians and six Kurds were killed; whether he will make inquires as to the facts of the case, and generally impress on the Porte the necessity of protecting its Christian Armenian subjects from the attacks of wild Kurds; and of the further statement that, in the district of Alashgerd, the condition of the Armenian peasants is miserable beyond description, as the petty Turkish officials urge the Kurds to attack the villagers and harry them?

*Sir J. FERGUSSON: Her Majesty's Government have received reports that the country is in a disturbed state, but have no knowledge of the particular outrages referred to. The district of Alashgird is one in which the inhabitants are specially liable to insecurity. It is a frontier district, bounded on the north by the Russian Frontier, which the Kurds are continually crossing and recrossing. Many of the Kurds are said to be now Russian subjects.

Mr. SCHWANN: Is the right hon. Gentleman aware that a telegram received to-day states that Martini-Henry rifles have been distributed amongst the Kurds at several places in America?

*Sir J. FERGUSSON: I cannot undertake to receive telegrams in newspapers when they arrive as well-founded. No doubt, if they are well-founded, we shall hear of it in due course.

Mr. SCHWANN: I would ask the Under Secretary of State for Foreign Affairs whether his attention has been drawn to a statement in the *Daily News* of 2nd August (from Reuter's Agency, Constantinople, dated 31st July), that the mixed council, *i.e.*, civil and religious councils combined, held on Tuesday last, at the Armenian Patriarchate in Constantinople, to discuss the late message or Takrir, from the Secretary to the Sultan, Sureya Pasha to Monsignor Achikian, declared that the recent demonstration was not directed against the Patriarch personally, but was the outcome of the feeling of despair prevailing amongst the Armenian population, and of the failure of the Porte to reply to any of the numerous memorials addressed to it by the Patriarch, respecting the deplorable state of the Armenian population; and whether, in view of there being approximately some 250,000 Armenians in Constantinople, many of them refugees from Armenia, he will make representations to the Porte of the very serious risk it runs by postponing remedial measures of a conciliatory character in Armenia?

*Sir J. FERGUSSON: We have not received as yet any official information as to this meeting. The Porte is well aware that Her Majesty's Government are in favour of a conciliatory policy towards the Armenians; but without

further particulars, I am unable to say whether this would be a favourable opportunity for pressing our views.

MR. BRYCE: I wish to ask the Under Secretary of State for Foreign Affairs whether the attention of Her Majesty's Government has been called to the recent grave disturbances among the Armenian subjects of the Sultan at Constantinople, as well as in Erzeroum, and at Moush, arising from the outrages of the Kurds, the oppression of the officials, and the impossibility of obtaining justice upon Mussulman offenders; and whether, having regard to the risk that an insurrection or occupation by some other Power may be provoked by further attempts at repression and denials of justice, Her Majesty's Government are advising, or will advise, the Sultan to adopt a more conciliatory policy, and will inform him that they regard the Anglo-Turkish Convention of 1878 as having lapsed, owing to the neglect of Turkey to introduce the reforms undertaken by that Instrument?

*SIR J. FERGUSSON: (1) Her Majesty's Representatives lose no opportunity of bringing well-authenticated cases of hardship and ill-treatment to the notice of the Turkish Authorities. (2) It would not be expedient for me to make any statement in regard to communications which Her Majesty's Government may think it their duty to make to the Porte on the subject.

*MR. BRYCE: I would ask whether, seeing the extreme urgency of the matter, the Government will make any representations? These disturbances at Erzeroum and Constantinople have been of a most serious character, and portend danger.

*SIR J. FERGUSSON: I have already stated what has been done. Her Majesty's Government will make representations if they think they will be attended with good effect. I am not prepared to say whether the Government is making any special representations on this subject at this moment. I wish to remind the House that we are not yet fully informed as to the facts.

MR. W. E. GLADSTONE: I do not desire to press the right hon. Gentleman unduly, but I wish to remind him that in this particular case, if our remonstrances are not attended to, we can give full notice to the Porte that we have power under our Treaty with the Porte and the guarantee given against the intervention of a Foreign Power, to take certain steps in case of the misgovernment of the country being continued.

*SIR J. FERGUSSON: I can assure the right hon. Gentleman that the events referred to are of a character that undoubtedly requires great consideration, and I am sure the right hon. Gentleman will see that a premature answer would be most inconvenient.

MR. A. O'CONNOR: The right hon. Gentleman informed me that the Report of Mr. Clifford Lloyd would not be laid on the Table before the end of the Session. I would ask him whether, whatever the length of the Session, we are not to be made acquainted at least with the substance of that Report?

*SIR J. FERGUSSON: I should be happy to give the best information in our possession; but since I last made a statement on this subject, the Government have received no further information.

FREE TRADE ON THE AFRICAN COAST.

MR. SUMMERS: I beg to ask the Under Secretary of State for Foreign Affairs whether, with reference to Article I. of the General Act of the Conference of Berlin (1885) by which the Conference Powers agree to use their good offices with the Governments established on the African shore of the Indian Ocean for the purpose of obtaining their approval to the establishment of complete Free Trade within their respective territories, and in any case of securing the most favourable conditions to the transit (traffic) of all nations, the Conference Powers have used or intend to use their good offices in the direction indicated?

*SIR J. FERGUSSON: Her Majesty's Government have endeavoured to obtain as far as possible the relief of trade on the African coast from burdens and hindrances; they have not felt it to be their special duty to press upon the Sultan of Zanzibar the abolition of all Import Duties, as their Commercial Treaty afforded sufficient protection. The Powers who were parties to the Berlin Act have now agreed upon certain modifications.

THE CASE OF MR. PERCY MAGAN, J.P.

MR. HAYDEN (Leitrim, S.): I beg to ask Mr. Attorney General for Ireland whether he can state what decision has been come to by the Irish Law Officers regarding the communication received by the Land Commissioners from Mr. Percy Magan, J.P., on the 22nd July, purporting to be an explanation of the charges of fraud brought against him; and whether the Government is still determined to take no steps to have Mr. Magan suspended from the Commission of the Peace pending proceedings for the recovery of the money alleged to have been obtained by false representations under the Arrears Act?

MR. MADDEN: I have this day received the Papers in this case, which I shall deal with in due course.

EVICTIONS ON BLASKET ISLANDS.

MR. SEXTON: I beg to ask the Attorney General for Ireland whether, having regard to the 125th section of "The Civil Bill (Ireland) Act, 1851," which protects from seizure under Civil Bill Decree "the tools and implements of the trade or business of any debtor" he has made inquiry as to the seizure of the boats of the fishermen of Blasket Islands by the Sheriff, who was brought there on board H.M. Man-of-War the *Britomart*?

MR. MADDEN: I have made inquiries on the subject of the question of the right hon. Member, and I am informed that the seizure in question was not made under Civil Bill Decree. The section referred to does not, therefore, apply.

MR. SEXTON: Is it not the case that private persons were carried in this vessel on the occasion in question, and that it was used for seizing and carrying away the property of private persons?

MR. MADDEN: A distress was levied; and if its legality is questioned, the matter can be tested in the usual way.

PRECEDENCE.

SIR G. CAMPBELL: I beg to ask the First Lord of the Treasury which of Her Majesty's Ministers advises Her Majesty in matters of Precedence?

*MR. W. H. SMITH: It is not the duty of any Minister to advise Her Majesty in matters of Precedence, except when such matters may be connected with the particular Department of which he is the head.

SIR G. CAMPBELL: I wish to ask, as to a question of Precedence which has arisen with regard to the Royal Commission on the Housing of the Working Classes, to what Department should a question be addressed?

*MR. W. H. SMITH: I think that a question should be addressed to the Minister who was in office at the time, and upon whose advice the Commission was issued.

COPIES OF PRIVATE BILLS.

MR. WEBSTER: I beg to ask the First Lord of the Treasury whether arrangements can be made by which Members of this House may be in future supplied with Copies of Private Bills introduced by the London County Council prior to the Second Reading, especially such Bills as contain provisions of a public or general character? I would point out that the present mode by which the County Council have Bills delivered to Members of this House often leads to very long discussions on the Third Reading.

*MR. W. H. SMITH: If the hon. Member will turn to Standing Orders 203 and 213, he will find that provision is made that Copies of Private Bills are obtainable by Members at the Vote Office.

MR. WEBSTER: I applied for a London County Council Bill at the Vote Office just before it came on, and I could not obtain one.

COMPANIES (WINDING-UP) BILL.

MR. KIMBER (Wandsworth): I beg to ask the First Lord of the Treasury, with regard to the Companies (Winding-up) Bill, which has been very considerably altered by the House of Lords, and in which important provisions which had been struck out in this House have been restored, he will arrange that the Lords Amendments shall not be considered until this House has had fair notice on the Paper, and an opportunity of discussing them before midnight; and as regards other Bills which are coming down from the Lords with Amendments, what notice he will give before such Amendments are considered?

*MR. W. H. SMITH: I am informed that there has only been one alteration of importance made in the Companies (Winding-up) Bill, and that this was due not to the initiative of the Government, but to the unanimous feeling of noble and learned Lords in another place.

MR. KIMBER: Will the right hon. Gentleman say what notice will be given?

*MR. W. H. SMITH: Notice in the Votes.

MR. KIMBER: But how much notice? A Bill comes down to this House, and is on the Paper on the day on which the consideration is taken.

MR. BRADLAUGH: I sought to draw attention to this matter the other day. An extremely difficult position might be brought about through taking the consideration of the Lords Amendment without any notice whatever.

*MR. W. H. SMITH: It is not at all desirable that Lords Amendments should be taken without notice unless they are merely formal or verbal Amendments. Where there is any matter of substance, I will undertake that notice be placed on the Paper.

MR. KIMBER: The Bill referred to in my question is one in which the most important and radical alterations have been made. I wish to know from the right hon. Gentleman how much notice will be given before the Bill is taken.

*MR. W. H. SMITH: It is the rule that alterations of that character should be printed and circulated with the Votes. The Bill cannot be taken until that Paper has been circulated. I apprehend that that must be held to be sufficient notice.

CASE OF H. LOUGHRAN.

MR. HENRY CAMPBELL (Fermanagh, S.): I beg to ask the Secretary to the Treasury whether his attention has been called to the case of a man named Henry Loughran, Wattle Bridge, Belturbet, who was employed as a collector and lock keeper on the Ulster Canal from March 1873 to April 1889, and was entrusted by the Board of Works with the payment of the fortnightly wages to the labourers on the canal from Lough Erne to Charlemont, a distance of 46 miles, but received no remuneration for the latter service from March 1873 to 1880, when the Treasury granted him an allowance of 7s. 6d. for each fortnightly payment up to the date of his discharge in 1880; and, if so, whether he will endeavour to induce the Treasury to pay Loughran a like sum for his services in connection with the fortnightly payments of the labourers' wages during the years from March 1873 to the end of 1880?

MR. JACKSON: I understand that the facts are correctly stated by the hon. Member. I will make inquiries on the subject, and will communicate my decision to the hon. Member.

COUNTY COUNCIL FUNDS.

MR. SAMUEL SMITH: In the interests of the public, who are much mystified on the subject, I beg to ask the Chancellor of the Exchequer at how much he estimates the sum placed at the disposal of the County Councils for technical (including agricultural and commercial) education in England by the Resolution of the House of Commons on Friday, and at how much he estimates the sum applicable to Wales for intermediate education by Resolution of the same date?

*MR. GOSCHEN: The question of the hon. Member conveys a wrong impression. The money is not placed at the disposal of the County Councils for the purpose stated, but for all such purposes as the Councils were empowered to apply it, and amongst them is technical education. The amount for England and Wales is £743,000. The sum for England, exclusive of Monmouthshire, is £709,000, and £34,000 for Wales and Monmouthshire.

THE IRISH POTATO CROP.

MR. CRILLY (Mayo, N.): I beg to ask the Attorney General for Ireland a question of which I have given him private notice, and which nearly concerns my own constituency. Has his attention been called to the following paragraph in to-day's *Daily News*:—

"At the Killala Board of Guardians yesterday great apprehension was expressed at the probability of a famine along the West Coast through the failure of the potato crop. A Guardian stated that he had been through three divisions of the Union and the crop was fast decaying, and the people were in a dreadful state of anxiety as to the future. Eight or 10 days ago the crop looked fairly well, but it

was wasted and burnt up with the blight. A resolution calling the attention of the Local Government Board to the matter, and through them the attention of the Government, was adopted."

I wish to ask the right hon. Gentleman whether he is in a position to say that there is any basis of truth for the paragraph, or can he give us any information in addition to the statement made the other day in the House by the Chief Secretary as to the truth or otherwise of the alleged failure of the potato crop in North Mayo and other parts of Ireland?

MR. MADDEN: The importance of the subject to the hon. Member's constituents quite justifies him in putting the question to me. The subject is now receiving the anxious and constant attention of the Government in reference to various parts of Ireland. I only received the hon. Member's notice as I came down to the House, and I am unable to make any statement as to any special part of the country.

MR. SEXTON: A promise was made, I think, more than a year ago that Reports which have already been made by the Inspectors of the Board should be laid on the Table, and I hope they will be so laid.

MR. MADDEN: I will make inquiries on the subject.

BISHOPS IN CYPRUS.

MR. CONYBEARE (Cornwall, Camborne): I beg to ask the Under Secretary of State for the Colonies with reference to the Proclamation read by the Queen's High Commissioner, and afterwards promulgated in Turkish and Greek throughout the island, on the occasion of the assumption of the Government of the Island of Cyprus in the name of Her Majesty, confirming the Cypriotes, both Moslems and Christians, in all the rights and privileges they then enjoyed; whether one of those privileges was that the name of an Orthodox Bishop was submitted, after the election and consecration of the Prelate, to His Imperial Majesty the Sultan for approval and confirmation; and whether, as the formal recognition of a Bishop is a question quite apart from the levying of episcopal dues and does not depend upon any Council, legislative or otherwise, the Secretary of State will re-consider his recent decision, and recommend the Queen to confirm, by Warrant under the Royal Sign Manual, the election of the Bishops of Kition, Kyrenia, and Paphos, in accordance with the prayer of the Petition presented by the Archbishop of Cyprus?

*BARON H. DE WORMS: The Proclamation in question does not altogether accord with the description of it contained in the first paragraph of the hon. Member's question, although, of course, there is no intention of interfering with the religious privileges of the inhabitants. Her Majesty's Government are, however, advised that the necessity of obtaining the Sultan's confirmation of a Bishop's election was not a privilege of the inhabitants, but a restriction on a privilege. The freedom of Christian communities to elect their Bishops is now absolute and unqualified. The Bishops are, of course, fully recognised by the Local Authorities for all legal and social purposes as soon as elected.

BUSINESS OF THE HOUSE.

MR. SCHWANN: I beg to ask the right hon. Gentleman the First Lord of the Treasury when he proposes to take the Foreign Office Vote?

*MR. W. H. SMITH: I regret to say that we made very slow progress with the Police Bill on Saturday. We are anxious to bring on the Foreign Office Vote as soon as possible, but we cannot do so until the Bills now before the House are completed. It rests with hon. Members opposite themselves to forward the business of the House, and I would most earnestly appeal to those who ask for consideration to show some of that consideration which they owe to their colleagues in this House, so as to enable us to make such progress with business as is reasonable. We might well have expected that greater progress would be made on Saturday. In the circumstances, I cannot say when the Foreign Office Vote will be taken.

MR. MUNRO FERGUSON (Leith, &c.): After what business will the Vote be taken?

*MR. W. H. SMITH: After the Bills now before the House have been completed. There is only one Vote for the Foreign Office. I wish to give notice that to-morrow I shall move the suspension of the 12 o'clock Rule, as far as

Government business is concerned, for the remainder of the Session.

MR. W. A. MACDONALD (Queen's Co., Ossory): Can the right hon. Gentleman inform the House when the Irish Census Bill will be taken?

*MR. W. H. SMITH: The English and Scotch Bills stand before that measure, and the Irish Bill will be taken directly after them.

(5.5.) MR. LABOUCHERE (Northampton): Will the right hon. Gentleman be good enough to inform the House what he is going to do with the Savings Banks Bill? The right hon. Gentleman will remember that about a week ago he stated that the Bill would not be proceeded with if it were opposed, and now there were 39 notices of opposition against the measure.

*MR. BARTLEY (Islington, N.): The Savings Banks Bill is brought forward in the interests of 1,500,000 persons, and I should like to ask whether it is not a fact that a few Members opposite are alone responsible for the opposition to it.

MR. A. O'CONNOR: I have to ask whether the Government intend to proceed with the Local Registration of Title (Ireland) Bill and the Registration of Assurances (Ireland) Bill?

MR. MADDEN: These Bills contain details which certainly require discussion. I do not intend to proceed with them this Session, but they will be re-introduced next Session. The Orders will be read and discharged.

MR. PHILIPPS (Lanark, Mid): May I ask when the Scotch Estimates will be submitted?

MR. HUNTER (Aberdeen, N.): Is it the intention of the Government to take the Second Reading of the Factors (Scotland) (No. 2) Bill before the Foreign Office Vote?

MR. HOWELL (Bethnal Green, N.E.): May I ask whether the Savings Banks Bill had not been the subject of most careful consideration in a Committee upstairs?

*(5.7.) MR. W. H. SMITH: I believe that the hon. Member for Bethnal Green has correctly represented the origin of the Savings Banks Bill. It is no doubt the result of a very careful inquiry before the Committee, and the desire of the Committee that the Bill should pass is not confined to any section or Party in this House, but is, I believe, as widespread on the other side of the House as on this. We desire to provide satisfactory security for the savings of the working classes of this country. The present arrangements do not afford adequate security, and the Government hope to provide such security by the adoption of this measure. If the Bill should be defeated this Session by any dilatory opposition, the whole responsibility for any evils that may occur in connection with savings banks next year must rest on hon. Members who oppose the measure. I cannot say this evening whether it will be proceeded with or not in case of a continuance of the kind of opposition which it has met. To the hon. Member for Lanarkshire I may point out that I have already said that the Scotch Estimates will follow the Foreign Office Vote. The Factors Bill was, I thought, an uncontested measure, but it appears that the hon. Member for Aberdeen wishes to oppose it.

MR. HUNTER: What I object to is the introduction in the dying days of the Session of Bills seriously altering and affecting Scotch law when there is no time for their consideration.

*(5.10.) MR. W. H. SMITH: The Bill has appeared upon the Paper for many weeks, and it has been considered by the House of Lords with great care. It is a legal measure of great advantage to the public.

ELEMENTARY EDUCATION LAW AMENDMENT BILL.—(No. 89.)

Order for Second Reading read, and discharged.

Bill withdrawn.

MESSAGE FROM THE LORDS.

That they have agreed to—Shrewsbury and Holyhead Road (Anglesey and Carnarvon) Bill, without any amendment; Allotments Act (1887) Amendment Bill, with Amendments.

That they have passed a Bill, intituled "An Act to make better provision for the Elementary Education of Blind and Deaf Children in England and Wales." [Elementary Education (Blind and Deaf) Bill [Lords].

STATUTE LAW REVISION (No. 2) BILL [LORDS].—(No. 405.)

Read a second time, and committed to a Select Committee.

ORDERS OF THE DAY.

PUBLIC HEALTH ACTS AMENDMENT BILL.—(No. 290.)

Bill as amended, considered.

*(5.12.) MR. J. KELLY (Camberwell, N.): I wish to move the Amendment which I have placed upon the paper. There are many things that are likely to cause nuisances injurious to health, although I cannot but regard as what may properly be termed "grandmotherly legislation" the provision which says, "If any person allows or permits any water to enter into any drain, and communicate with any pure water of the temperature of 103° Fahrenheit, which alone or in combination with sewage is likely to cause injury to health, that person shall be liable to a penalty not exceeding £10." I now beg to move my Amendment.

Amendment proposed, in Clause 16, page 7, lines 17 and 18, to leave out "is likely to cause a nuisance or to be" and insert "causes a nuisance or is injurious."—(*Mr. Kelly.*)

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE): I would suggest that the object of the hon. Member would be better met by inserting the words, "causes a nuisance which is dangerous or injurious."

DR. CLARK (Caithness): We ought to have a definition of the word dangerous. We can understand what is meant by injurious to health, but the word dangerous has a wider scope.

*MR. RITCHIE: The word dangerous is only used here as an alternative to injurious, namely dangerous or injurious.

*MR. KELLY: I am willing to accept the right hon. Gentleman's proposal.

Amendment as amended put and agreed to.

Consequential Amendments agreed to.

*(5.15.) MR. KELLY: When this Bill was in Committee, I moved to strike out the whole of Clause 42, but the House was unwilling to accede to my Amendment. I now move after the word "works," to insert "but in every case including sewering and metalling." The Bill proposes a rather singular and most drastic change in our law. When the law on the subject was considered before, it was made much more stringent. I desire to call the attention of the House to Section 70 of the Act of 1848, which says streets are not to be repaired out of the rates before being

> "Sewered, levelled, paved, flagged, and channelled, to the satisfaction of a Local Board of Health."

In 1875 the conditions under which private roads were to be declared repairable by the ratepayers were made even more stringent, and it was stipulated that no local authority should have power to take over a private road to be repaired by the inhabitants, unless it were channelled, sewered, paved, metalled, flagged, made good, and lighted. Instead, therefore, of cutting down the obligations cast on the owner of a private road which it was desired to make repairable by the inhabitants at large, they were absolutely enlarged. Now it seems to me a somewhat startling proposition that the enormous burden of metalling, sewering, kerbing, and lighting the road should be cast upon the ratepayers. If the right hon. Gentleman will pardon me, he will find that I am justified in putting the interpretation which I do on the words "any of the works mentioned." The right hon. Gentleman will at once admit that "any" means any one of these works. One of these works is levelling. Therefore, if a man levels the road, and has sufficient interest with the local board or local authority, he may be relieved from the cost of sewering and metalling, and the whole of the charge will be thrown upon the unhappy ratepayer. I would like to know why this startling change is to be made. I may say that before I put down this Amendment the President of the Board of Trade stated, in answer to a letter which I then addressed him on the subject, that there was a very good reason, from his point of view, for this drastic alteration of the law. It must be apparent that wherever the speculative builder has sufficient influence to

induce the members of the Local Board to take over the road, he will be able to cast upon the ratepayers of the district an enormous and perfectly new burden. On this point I should like to quote a few words from a very great Judge—the late Sir George Jessel. In the Judgment of "the Attorney General *v.* Bidder," he said:—

"In the first place it is plain that the public are to be considered. The expense of future repairs would be much greater when the road was not properly formed than when it was properly formed. That is one thing, and the next thing to be considered is that you are not to sacrifice the interests of the public to the interests of the speculative builder, or the owner of building land. It was not intended that the public were to make roads or building land for the benefit of the building owner. He was to pay proper expenses and to make a proper road, and then if it was a beneficial road or street to the public the Urban Authority would take to it. Therefore the Legislature says: when a great many things have been done, and not till then you may dedicate to the use of the public. But all those things are to be done."

I know that it will be said that there are cases on which the operation of this section of the Act of 1875 has been found to be very troublesome and irksome, and, indeed, injurious. It will be further objected that this Bill is only permissive in its character. That is just the class of legislation to which I most object. If the thing is right, let the Legislature say it shall be done, and then it will be properly considered; but if it comes down in the form of a permissive enactment from a Committee up-stairs, and the hon. Members have never had any opportunity of considering or sanctioning it, I say it is a dangerous thing to do, and it is inviting the Local Authority to do that which we dare not tell them to do. Permissive legislation is to my mind *primâ facie* absolutely wrong. If the speculative builder is to have these advantages, let the House say so boldly, and let them say that the unhappy ratepayers are to pay these large sums to the speculative builders. Do not let it be permissive, because that simply means that where the speculative builder has sufficient influence he will get the benefit of it, and where he has not it will never be used. One difficulty which will be urged is that the Local Authorities have taken over roads which they ought not to have taken over. I believe that is perfectly true. I will tell you what these Local Authorities will do the moment this Act is passed. They will issue a new notice at the end of the month to secure themselves against any illegalities they have committed. I do not want the Local Authorities to commit any illegalities. Let the Local Authorities obey the law; if they do not, let them take the consequences. I would like the Committee to consider the class of road which will be taken over. It will be the road fringed by villas with very long frontages and in respect of which exceedingly small rates are really levied. Hon. Members know something about rating inside the Metropolis, and they know that there the shops and small houses are very highly rated, whereas the villas which fringe the road and have large frontages get off uncommonly cheaply. I would invite the House to say that this class of persons shall not be relieved at the expense of the ratepayers of the covenants which they have chosen to enter into voluntarily when signing their leases. What the House has to guard against is jobbery and corruption on the Local Boards. I believe there are cases—at least I am told there are cases — in which it would be in the interests of the public that such roads should be taken over. Let it be so. But let it be done only under the sanction of the Local Government Board. Let the ratepayers be protected. Everybody knows as much as I do about the influences at work upon these petty Local Boards, and that the whole cost of these roads taken over will be cast upon the ratepayers, must, I think, hesitate before making such a momentous change of the law as is proposed by Clause 42 of this Bill.

Amendment proposed, in page 17, line 40, after the word "works," to insert the words "but in every case including sewering and metalling." — (*Mr. John Kelly.*)

Question proposed, "That those words be there inserted."

*(5.35.) MR. RITCHIE: From the obser vations of the hon. Gentleman, one would imagine that our Town Councils and Local Boards were filled with men whose sole object, though representing the ratepayers, was to protect the interests of the speculative builders. The history of this clause is very simple. Prior to the

judgment to which the hon. Member has referred, Local Boards had never believed that it was necessary, under the provisions of the existing law, that all the various matters to which he refers, such as lighting, paving, channelling, curbing, metalling, flagging, and sewering, must be done before they took over the road. It is quite obvious that a compliance with all these requirements was entirely unnecessary in the case of many of the roads which they took over. The decision to which the hon. Member referred caused enormous inconvenience to Town Councils and Local Authorities. It is not a new matter for Parliament to deal with this particular question. There is a provision in a Bill which passed this House in 1886 entirely analagous to the proposal now made in this Bill.

MR. STOREY (Sunderland): What was the name of the Bill?

*MR. RITCHIE: It was the Public Health Acts (Improvements Expenses) Bill of 1886, and the clause to which I refer provided that the Town Council or Local Authority should have the liberty of saying whether these provisions should be carried out before a road is taken over. That is a principle to which I think hardly any one can object. Our opinion is, and the opinion of the Local Government Board is, that Parliament may properly be asked to give this authority to the local governing bodies without the smallest danger of those evils which the hon. Gentleman thinks may arise. The hon. Gentleman admitted that there are cases in which it would be absurd to call upon anybody to do all these various matters provided in the original Act.

*MR. KELLY: I never said that. On the contrary, I said that whatever might be the case, they ought to do the metalling and sewering.

*MR. RITCHIE: Well, the hon. Member, at any rate, admits that there are cases in which the provisions of the existing law might cause considerable inconvenience, and he says in that case "let there be an appeal to the Local Government Board, whose judgment shall be final in the matter." But the Local Government Board has already sufficient burdens on its shoulders, and it could not send an inspector to various localities throughout the country to inquire into the circumstances of a particular road to be taken over. We must respectfully decline such a duty, which would probably have to be exercised in a vast number of instances in all parts of the country. We ask that Parliament should give to the Local Authorities, when a road is to be taken over, the power of saying what shall be done in the interests of the ratepayers. I think in asking the House to assent to that principle we are asking it to support that which is in accordance with the modern principles of legislation, namely, to confer more and more power, and more and more discretion on the freely-elected representatives of the ratepayers.

(5.40.) DR. CLARK: I am sorry the hon. Member for North Camberwell did not strike out the words "or any." I certainly think it is a very small thing to ask that the metalling and sewering shall be done. Under Clause 122 of the Public Health Act, the Authorities can only take a road over when that has been done. You are now trying to get rid of the law by which landlords are properly made to sewer a road before it is taken over to be maintained at the public expense. The proposal now before us is simply a mode of relieving a certain number of landlords and builders from putting the streets they wish to be taken over into proper order. Some Local Authorities, whose proceedings are reported, will be very careful about what is done. But we know very well that there are Local Boards which are controlled by the jerry builders, contractors, and their friends. Generally, the ratepayers know nothing at all about it. In the suburbs of London, as the hon. Member for North Camberwell pointed out, it is very often the case. Why should you make this change in the law? Why should the public be compelled to metal, sewer, and light, and put the road into a condition that it may be maintained? I know the clause is permissive, but I think the same law ought to be applied all over. If the power were made compulsory, the Local Authority would see that all this work was done before taking the road over, but if it is made optional they will not do so. I do not see why you should repeal or modify this very valuable Clause of the Public Health Act, and which prevents badly-drained streets being

made at all. As it is now, they will probably make badly-drained streets that will not bear the traffic when these streets will be taken over. This is simply an effort to slip into this Bill a permission repealing a very valuable Clause of the Public Health Act.

*(5.45.) CAPTAIN VERNEY (Bucks, N.): I very much regret the tone of the President of the Local Government Board towards this Amendment. If the hon. Member will strike out the words "if any," I will support him.

*MR. KELLY: That would only be a re-enactment of Clause 152 of the Public Health Act.

*CAPTAIN VERNEY: I understand it to be so. I do not wish to see any alteration of the law myself. What do we very often see? Some market garden laid out for building purposes, with curbstones to define the road, the middle of which is a perfect swamp. The houses are erected on either side, and the last thing done is the draining and metalling. What will be done in many instances? An attempt will be made to get the work of metalling and draining thrown upon the ratepayers. I think the speculative builders might at least be called upon to do the metalling and sewering, and I hope the right hon. Gentleman will see his way to accepting what is a reasonable Amendment, and one which can be productive of no harm.

(5.47.) MR. STOREY: I want to point out that the Public Health Act, as it exists at present, has worked admirably. The Local Authorities cannot take on highways and streets unless they have been properly paved, channelled, and metalled. But it is now proposed to give an option to the Local Authority to take over a road as to which all these things have not been done. Our rule in Sunderland has been the very opposite. We obtained a Private Act at a cost of £3,500 in order to secure control of the matter, and we require the centre of the road to be paved and drained before the buildings are erected. We require that the private owners of the land who make the profit shall put the street into a proper condition first of all. But under the clause now proposed, the Local Authority would have power to take over a street which had been simply levelled, and the ratepayers would have to pay the whole cost of sewering and paving out of the public funds. The hon. Member has used the word metalling. I know that is the common expression in London, where the macadam roads are most used, but in the North we find it more economical to pave our streets with some description or other of stone. And if this Amendment is to apply usefully throughout the country, I would suggest that he ought to use the words "including sewering, metalling and paving." I submit that the Amendment is a reasonable one, and where the Local Authority take over a road, the sewering, metalling, and paving should at least be made a *sine quâ non*. The Local Authority might well be at liberty, so far as the flagging and lighting are concerned, but sewering, metalling, and paving involve considerations of health. I support the Amendment because I know that there are districts in England which are controlled by certain classes of persons who would use this change in the law to the public mischief.

*MR. KELLY: I am willing to accept the words "or paving."

*MR. SPEAKER: That can only be by leave of the House.

(5.50.) The House divided:—Ayes, 54; Noes, 129. Division List (No. 224.)

Question, "That the Bill be now read a third time,"—(*Mr. Ritchie,*)—put and agreed to.

Bill read the third time, and passed.

POLICE BILL—(No. 392.)

As amended, further considered.

(5.58.) SIR G. CAMPBELL (Kirkcaldy, &c.): I propose to begin by saying one word as to something which affects this and other Amendments. I will not detain the House longer than is necessary. I have always looked upon the threats of the First Lord of the Treasury in this way. These threats apply equally to the other side who must suffer.

*MR. SPEAKER: That has nothing to do with the Amendment before the House. The hon. Gentleman will be good enough to address himself to the particular question.

SIR G. CAMPBELL: I will be as brief as possible with regard to this particular Amendment. It seems to me reasonable that the Local Authority should have discretion to lower the

pension by reason of demerits on the part of the officer in his service to the public as is the practice under the Civil Service Superannuation Act. But here you are going to give policemen a freehold such as is enjoyed by no other body of public servants except the clergy of the Established Church, and I hope they will not enjoy it long. I know the answer of the Government will be that there is no necessity for discretion. We insist that they shall not be deprived of these privileges. This is a reasonable Amendment which the Government may well accept. It touches the broad principle of the Bill that there shall be no discretion whatever in the Local Authorities in this matter, and it will make clear the position of the Government on that point. I beg to move the Amendment which stands in my name.

Amendment proposed, in page 2, line 5, at the end of Clause 1, to insert the words—

"Provided also, that the police authority may grant to any constable a pension of less amount than he would have been entitled to receive if his defaults or demerits in relation to the public service appear to them to justify such diminution."—(*Sir George Campbell.*)

Question proposed, "That those words be there inserted."

(6.4.) THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): The hon. Member has anticipated the line of argument to be taken by the Government on his Amendment. It is totally inconsistent with the principle of the Bill. It is not the case that the Local Authority has no discretion. The hon. Member forgets that the pension is only to be given for so many years approved service. If there has been misconduct on the part of any constable it is open to the Police Authority to deduct the period during which the service has not been "approved." If a man after all deductions are made still has fifteen years approved service to his credit it would be monstrous to give the Police Authority further power of depriving him of his pension.

(6.5.) MR. STOREY (Sunderland): I do not think that that is quite the point at the present moment. The Local Authorities have got complete freedom to grant pensions, larger or smaller, according to the conduct and character of the man. All we ask is that under this Bill they shall not have less power. We do not contest in this Amendment the principle that a man shall have a pension: we have contested that already, and so far have been defeated; but, given the right that the man shall have a pension, there remains this consideration: Shall the authority which employs and pays him have the right, at the end of 15 or 25 years, to consider whether he has been a useful and efficient servant, or whether he has been a sloucher and a loafer, and calculate his pension accordingly? If this power be not granted to the Local Authority we shall lose one of the most valuable powers we now possess for securing an efficient and active Police Force. Take the case of a municipality with a Police Force of 600 men. Every man at present knows that if he proves himself by extra activity and good sense and acuteness a really valuable public servant the fact will be considered in fixing his pension; on the other hand, if he be one of those easy-going persons, who slouches through his work, never effects a capture, and never distinguishes himself by discovering the commission of offences, he does not come off so well. But if this Bill is passed as it now stands both these men will be placed on the same footing. Is it fair? I want to give the municipality power to distinguish between the two. I would suggest that the Local Authority should have the power of awarding a greater or lesser pension, according to its judgment of the service the constable has done.

*MR. SPEAKER: Order, order! The hon. Member is not speaking on the Amendment. He is referring to one which stands in his own name.

MR. STOREY: The principle of the two Amendments is the same. I have no disposition to discuss the matter twice, and I thought I might as well deal with the point on this Amendment. My hon. Friend proposes that the Authority shall be able to grant to a constable a pension of less amount than under the Bill as it stands he will be entitled to receive. He puts no limit to the amount, whereas I would suggest there should be two pension scales; and it should be in the option of the Local Authority to place the man on the higher, or on the lower, scale, according to the services he has

rendered. The Authorities practically possess that power at present, and it works advantageously. But the right hon. Gentleman proposes absolutely to take it away from them, and I want to know why he does so. Surely we, who pay the money, ought to have some voice as to the amount of the pension to be granted. I submit that the Amendment is a valuable one, and I hope that my hon. Friend will press it.

(6.13.) MR. SHAW LEFEVRE (Bradford, Central): If the meaning attached by the Home Secretary to the word "approved" is accurate, then the Amendment of my hon. Friend is not necessary. The point is a very important one. In the case of the Civil Service it is competent for the Treasury to reduce a man's pension if he has misconducted himself.

*(6.14.) MR. CHILDERS (Edinburgh, S.): I appeal to my hon. Friend not to press his Amendment. The words are not necessary, and I am sure that if Clause 4 requires strengthening in order to make this point clear the Home Secretary would assent to the alteration. I agree with my hon. Friend it is absolutely necessary the Local Authority should have this power.

(6.15.) MR. STOREY: If we were quite sure as to the meaning of the term "approved service," and it covered what I want, I would not press the Amendment. But if my right hon. Friend examines Clause 4 he will hardly hold to the view he has expressed.

(6.16.) MR. MATTHEWS: I cannot undertake to alter Clause 4 so as to meet the views of the hon. Member for Sunderland. That Clause enables the Local Authority to make deductions from the actual service of a man for misconduct or negligence. But it does not give the Local Authority the option of giving either a large or a small pension—a power which they have greatly abused in the past.

*(6.17.) CAPTAIN VERNEY (Bucks, N.): I think the words "approved service" do cover the point raised by the hon. Member for Sunderland. Approved service is diligent and faithful service. Surely it is only fair the constable shall have notice from time to time if his service is not diligent, and will not be allowed to count for pension. It would be hardly right at the end of a man's service to tell him suddenly he has not earned a pension. I think the power given in the Bill will keep the chief constables up to the mark in maintaining the efficiency of the force.

Question put, and negatived.

(6.18.) MR. STOREY: I now beg to move in Clause 3, page 2, line 31, to add at the end, "Provided that the Police Authority may, in the pension scale contemplated by this Bill for ordinary pensions and within the limits of such scale, provide for a greater or lesser pension according to its judgment of the services and the conduct of each constable."

*MR. SPEAKER: Will the hon. Gentleman explain how that differs from the preceding Amendment?

MR. STOREY: Yes, Sir. In this particular, that it provides the Local Authority may make two pension scales, and within the limits of these scales grant a higher or a lower pension according to their judgment of the services rendered. I must take leave to repel with indignation the statement of the Home Secretary that the Municipalities have in the past in any way abused the power of pensioning the police. Can he name any one Municipality the police of which as a body have complained of such abuse, or that they have been unfairly treated owing to the power possessed by the Local Authority of differentiating between one man and another? I have had a good deal more experience than the right hon. Gentleman of the action of Local Authorities, and I venture to tell him that there has been no such complaint. We ask for a continuation of this right to differentiate between a man who has done valuable service and one who has done poor service.

*MR. SPEAKER: Order, order! This is precisely the same question; there is no difference whatever. The hon. Member is arguing the same question again.

MR. STOREY: Of course, Sir, if you——

*MR. SPEAKER: Order, order! It is precisely the same question.

MR. STOREY: Then I will simply move my Amendment, and take the sense of the House on it.

*MR. SPEAKER: I cannot put it.

(6.21.) MR. ATHERLEY-JONES (Durham, N.W.): I beg to move the

Amendment in my name. It is more a matter of form than of principle.

Amendment proposed, in page 2, line 36, to leave out the words "and send a copy to the Secretary of State."—(*Mr. Atherley-Jones.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

(6.22.) MR. MATTHEWS: The Local Authority is required to draw up a scale within a certain date, and if they fail to do so there is an alternative power in the Secretary of State to make a scale. How is the Secretary of State to know whether the Local Authority have framed a scale or not unless they send a copy of it to him?

Amendment, by leave, withdrawn.

(6.23.) MR. ATHERLEY-JONES: I hope the Home Secretary will be able to accept the other Amendment in my name.

Amendment proposed, in page 3, line 5, to leave out from the word "force" to the word "operation," inclusive, in line 7.—(*Mr. Atherley-Jones.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

*(6.24.) MR. MATTHEWS: I think the hon. Member must see it is impossible to omit these words. It is provided that if the Police Authority are not satisfied with the scale they shall have power to revise it from time to time; but clearly it would be unfair to make the revised scale applicable to men in the Force when the original scale was framed. It must only apply to men entering the Force after the revision.

MR. ATHERLEY-JONES: I will not press the Amendment.

Amendment, by leave, withdrawn.

(6.25.) SIR G. CAMPBELL: I beg to move in Clause 4, page 3, line 13, after the word "misconduct" to insert "inefficiency." The object of the Amendment is to enable a deduction from a constable's pension to be made on account of inefficiency as well as sickness or misconduct. At present deductions can only be made for some specific offence; we desire the same power for general inefficiency. Surely the Home Secretary will not object to that.

Amendment proposed, in page 3, line 13, after the word "misconduct," to insert the word "inefficiency,"—(*Sir George Campbell.*)

Question proposed, "That the word 'inefficiency' be there inserted."

*(6.26.) THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): The Government have no objection to the introduction of the word, except that they hold it to be the duty of the Police Authority to discharge a man for inefficiency. We ought to be able to rely on the efficiency of the police of the country.

SIR G. TREVELYAN (Glasgow, Bridgeton): Would not that be covered by the words in Clause 10, "any other reasonable cause"?

*MR. MATTHEWS: I think Clause 10 will require alteration.

(6.27.) DR. CLARK (Caithness): I think the clause goes too far already. It is very unfair that a man's pension should be lessened on account of sickness. A great many constables contract sickness in the discharge of their duty. I think the words "misconduct" and "neglect of duty" are quite sufficient. If you introduce the word "inefficiency," a sergeant or inspector, without finding any particular fault with his subordinate, could affect his pension prospects by simply saying he is a stupid and inefficient man. You make the constable pay the bulk of the fund from which the pension is taken, and of course the pension is taken into account when fixing his wages. If you introduce this word you will be depriving him by unfair means of money he has really earned.

Amendment, by leave, withdrawn.

*(6.32.) MR. MATTHEWS: The next Amendment is merely a question of drafting. At the instance of my hon. Friend the Member for Liverpool (Mr. Lawrence), certain words were inserted in Clause 14. The draftsman has pointed out that they are in the wrong place. The hon. Member will accept it from me that the alterations I propose carry out the understanding come to in the Committee.

Amendment proposed, Clause 4, page 3, line 37, leave out "Great Britain" and

insert "any part of the United Kingdom." (*Mr. Matthews.*)

Question proposed, "That 'Great Britain' stand part of the Question."

(6.33.) MR. JOHNSTON (Belfast, S.): I have to thank the right hon. Gentleman for the introduction of this clause.

*(6.34.) MR. LAWRENCE (Liverpool, Abercromby): I am quite willing to accept the Amendment. There seems to be a little feeling abroad as to the effect of this Act upon Irish constables who come over here to serve. I have put an Amendment on the Paper providing that such constables should receive pensions from the Irish Government, which I regret the Government does not see its way to accept, but, as I have said, I am ready to agree to the right hon. Gentleman's proposal.

(6.35.) MR. HUNTER (Aberdeen, N.): I do not know whether it is proposed to adopt a similar Amendment on the Scotch Bill. I should be obliged to oppose such an Amendment. The scale of pensions in Ireland is very much higher than the scale sanctioned by the Committee upstairs. At the same time, I am quite certain that the last thing a Scotchman would be willing to do would be to introduce as a policeman in Scotland any person who had been brought up under the malign influence of the Castle in Dublin.

Question, put, and negatived.

Question, "That those words be there inserted," put, and agreed to.

Clause 6

*(6.37.) CAPTAIN VERNEY: This clause is erroneously described in the margin as one to give power to reduce pensions where the infirmity of a constable is partially due to misconduct. The provision is to enable pensions to be reduced where the infirmity is wholly due to misconduct. Such cases do arise. As the clause now stands, the Police Authorities will have no power to give a man less than four-fifths of his pension. I think the ratepayers will think it hard if they have to give a four-fifths pension to a man whose retirement is entirely due to his own misconduct. I propose to give the Police Authority power to act as they think fit. I think they should have power to prevent a man having any pension at all. They will then have power to say, "We know perfectly well you are injuring your constitution by your habits, and unless you improve we shall not give you a pension." There is a provision for a certificate by a medical man and therefore it cannot be hard on the man. It must be remembered that when a man is bringing on himself infirmity of body by his own misconduct he is injuring others besides himself. I do not think such misconduct ought to be treated lightly in the case of a policeman, who ought at all events to set a decently fair example in the locality in which he is placed. I therefore propose the Amendment of which I have given notice.

Amendment proposed, in page 5, line 29, after the word "reduce," to insert the words "or forfeit."—(*Captain Verney.*)

Question proposed, "That those words be there inserted."

*(6.39.) MR. MATTHEWS: This is one of the matters we discussed very fully in the Committee, and I regret that it should have to be discussed again. No doubt it is a point which is open to consideration on both sides. This is necessarily a difficult matter to determine. *Primâ facie* if the constable's habits had been such as to impair his constitution the Police Authorities ought to have found it out long before the pension was due and ought to have dismissed him. There may be a case in which where a constable who never drinks to excess, still goes on drinking from day to day. The former Bill on the subject only allowed the Police Authority to reduce his pension by one-tenth. I propose that it shall be reduced by one-fifth. Now comes the purist in the shape of the hon. and gallant Member opposite, who wants to give the Police Authority power to refuse a pension altogether. It is really a matter for the House to decide. If, however, you give power to the Police Authority to refuse a pension altogether, you should give an appeal, which at present is not given.

*(6.41.) MR. CHILDERS: For my part I should very much regret to have a system of appeals, except as to questions of law. If you start the system of appeals you will have appeals from the whole of the police. I would prefer to

see Clause 10 made very stringent. Men falling into these practices ought to be dismissed. If the power to dismiss is made perfectly clear I should invite my hon. Friend not to persist in his Amendment.

MR. MATTHEWS: I intend to make it perfectly clear that the power to dismiss will be absolutely at the discretion of the Police Authority.

Amendment, by leave, withdrawn.

(6.44.) SIR G. CAMPBELL: I beg to move to leave out after "pension" to the end of the clause. I wish to take away the words which limit the reduction to one-fifth. In the Standing Committee the argument was all on one side. Member after Member appealed to the Home Secretary to accept this Amendment, and I did not think the right hon. Gentleman would divide upon it. The right hon. Gentleman, however, held out, without saying much in the way of argument, and, to the surprise of the Committee, he had a considerable majority when it came to the vote.

Amendment proposed, in page 5, line 29, to leave out all the words after the word "pension," to the end of the clause. —(*Sir George Campbell.*)

Question proposed, "That the words proposed to be left out stand part of Bill."

*(6.46.) SIR W. BARTTELOT (Sussex, N.W.): I certainly agree very much with what the hon. Gentleman has said, and I think it would be infinitely better to leave the discretion to those who have to deal with the cases. In my opinion, the Home Secretary would never regret having placed this power in the hands of the Police Authority. Under the clause, as it stands, all cases of irregularity, whether grave or trivial, will have to be dealt with alike.

(6.47.) MR. MATTHEWS: I do not know whether it would shorten the discussion if I put in "one-half" instead of "one-fifth."

SIR G. CAMPBELL: I accept that.

Amendment, by leave, withdrawn.

SIR G. CAMPBELL: I now beg to move to omit "one-fifth" and substitute "one-half."

Amendment proposed, Clause 6, page 5, line 30, to omit "one-fifth" and insert "one-half."

Question, "That 'one-fifth' stand part of the Question," put, and negatived.

Question proposed, "That 'one-half' be there inserted."

*(6.49.) MR. HOWARD VINCENT (Sheffield, Central): I cannot agree with the hon. Baronet behind me (Sir W. Barttelot). A man should be dismissed for an offence of a sufficiently grave character, but I do not think his punishment should be held over until he has completed his 25 years' service. I earnestly hope the right hon. Gentleman will adhere to the Bill as it stands, and will not consent to its alteration.

*MR. CHILDERS: The clause applies to a very limited class of men only. If this were not so the remarks of the hon. Gentleman would no doubt have great force.

(6.50.) DR. CLARK: After a man has served for, say, fifteen years, it would be very hard to refuse to pay him any pension. If he has served three-fifths of his time he ought to have three-fifths of his pension.

SIR G. TREVELYAN: My hon. Friend does not seem to appreciate that the clause will only apply to men who have misconducted themselves. I think the concession made by the Government is well grounded on public expediency.

*(6.52.) CAPTAIN VERNEY: I know a case of a Chief Constable, who, in the opinion of all who are acquainted with him, is bringing on ill-health by his vicious habits. I think if a constable who behaves in this way gets even half of his pension he is exceedingly well treated.

MR. STOREY: I would point out that medical evidence has to be obtained of the fact that the constable has contributed to the infirmity by his own default or his vicious habits. Now, according to experience the larger amount that is deducted, the least likely is the doctor to give a certificate to that effect. I would suggest that three-fifths should be given at any rate.

(6.53.) Question put.

House cleared for a Division.

(6.56.) Question again put, and agreed to.

DR. CLARK: Would I be in order in moving three-fifths?

*MR. SPEAKER: That would not be in order, because we have passed the word "one."

*(6.58.) MR. PICKERSGILL (Bethnal Green, S.W.): I propose to omit Clause 8 altogether. It provides that certain conduct on the part of a pensioner shall result in the forfeiture of his pension at the discretion of the Police Authority. I do not suppose the clause would have a very wide operation, because I cannot think that a man who had spent 25 years in an honourable occupation would be likely to commit any of the acts mentioned in the clause. The acts divide themselves into two classes. The first class consists of crimes, and the second of acts which are not crimes, but which one may call *contra bonos mores*. As to the first class the Court which convicts ought to punish once for all. To attach discretion for further punishment to the Police Authority would introduce a very disturbing element into the administration of justice in Criminal Courts. Further, it seems to me that by this clause we are reverting, capriciously and, therefore, the more mischievously, to the old practice of the criminal law under which a conviction for felony involved a forfeiture of the convicted man's property. The second class of offences are of an extremely vague character, and will give a power to the Police Authority which may be used in a tyrannical manner. One of the acts is knowingly associating with thieves, or reputed thieves; another is refusing to give information or assistance to the police; and another is being "guilty of any conduct which is, in the opinion of the police authority, disgraceful." I proposed this Amendment in the Standing Committee, and I quite admit I did not receive much support there. The only substantial argument, however—if I can call it substantial—advanced against me was that these forfeitures had been introduced into previous Bills dealing with the same subject. But by this Bill we are introducing a new principle which I think meets that argument altogether. In previous Bills it was provided that pensions should be given at the discretion of the Local Authority, and I quite admit that where the Local Authority has a discretion to grant pensions, it is not unreasonable to allow it a discretion to withdraw them. By this Bill we are giving an absolute right to a constable to have a pension, and it seems to me futile and nugatory, after providing that the constable shall have a right to a pension, to say the Local Authority shall be at liberty to withdraw it.

Amendment proposed, in page 7, line 5, to leave out Clause 8.—(*Mr. Pickersgill.*)

Question proposed,

"That the words 'A pension or allowance under this Act is granted only upon condition that it becomes forfeited, and may be withdrawn by the Police Authority, in any of the following cases' stand part of the Bill."

(7.4.) MR. E. ROBERTSON (Dundee): My hon. Friend (Mr. Pickersgill) and some of his supporters the other day commented with some severity upon the length of time occupied on Saturday on a much more important question, involving the whole kernel of the Bill, by some of us who did not address the House as long as he has just done. I wish to support the Amendment. In Committee on the Scotch Bill the same point arose. Although I do not like either of these Police Bills, I wish to treat the police fairly, and I do not wish to impose on them conditions which in themselves appear to be degrading and insulting. If they are to have pensions, let them have them on terms which imply that they are decent and respectable citizens. The proposal as it stands amounts to nothing more or less than that the police pensioners are to be subject to police supervision.

(7.6.) MR. MATTHEWS: This question was also thoroughly thrashed out in Committee. The clause has been in every Bill on the subject. Moreover, the conditions imposed have been in the regulations of the Police Force since the beginning, and it has never been alleged that they work any hardship to the men. Lastly, it would surely be a shock to the public conscience that a man committing an offence involving moral turpitude should be allowed to draw a large pension from the public funds.

*MR. CHILDERS: I am generally of the same opinion as the right hon. Gentleman, but I think the word "disgraceful" is too vague, and would suggest that it would be better to adopt the words of the Scotch Bill, giving power to the Police

Authority to withdraw pension from any grantee who enters into or continues to carry on any business, occupation, or employment which, in the opinion of the police authority, is illegal.

(7.9.) MR. J. ROWLANDS (Finsbury, E.): I do not think that because a bad clause has been inserted in a number of other Bills we should therefore put a bad clause in this. Sub-section D would, I believe, give power to anyone who had a grudge against a constable to make it doubtful whether the constable would ever obtain a pension or not. The word "disgraceful" is so vague that I think the draftsman himself would like to reconsider it. I think there is also a great deal of force in the argument put forward by the hon. Gentleman the Member for Bethnal Green, that a man when he is punished for a crime should be punished out and out, and should not have a lot of these forfeitures hanging over his head.

*(7.11.) SIR A. ROLLIT (Islington, S.): I trust the right hon. Gentleman the Home Secretary will, in justice to the Police Force, see his way to effect such a qualification in the clause as that indicated by the right hon. Gentleman the Member for Edinburgh.

(7.11.) SIR G. CAMPBELL: We must be careful what we do in this matter. If we look at Sub-section A, we shall see that we are going to a dangerous length. If an ex-policeman is committed to prison for three months with hard labour, or for 12 months with or without hard labour, he is to lose his pension. If, therefore, he should be tried for the offence of pocket-picking, and should only be sent to gaol for two months with hard labour, it will have no effect on his pension. Can it then be said that you must go lower down and forfeit the pension for "disgraceful conduct?" No doubt these words are wide and will bring a great many things into the net; but on the other hand, I think if it is advisable to omit the words in question from Sub-section D, these words in Sub-section A should be amended. There may be many offences for which an ex-police constable may be convicted, and where the sentence is not so heavy as three months hard labour or 12 months imprisonment of any kind.

*(7.13.) MR. W. H. SMITH: I may say that the Government will be willing to adopt the wording of the Scotch Bill on this point, so that the two Bills may run together. By this arrangement it will be competent to withhold a pension by reason of a man carrying on a business occupation or employment which is illegal, or of disclosing information which he has become possessed of through his connection with a Police Force.

DR. CLARK: What is an illegal occupation? Is there such a thing?

*(7.14.) MR. HUNTER: My opposition is directed against the whole of the Clause. There are two points of view from which all these matters may be examined, and the first is the financial point of view. The first question is what is the Clause going to be worth to the ratepayer or the pension fund? Well, the answer to that is that this is a provision which, from a pecuniary point of view, is of no value to the fund whatever, as the cases in which ex-policemen will be guilty of these serious offences will be extremely rare. From a policeman's point of view I quite understand why the policemen do not strenuously attack the Clause. If they did it might be said, "Oh, they want to be at liberty to commit these offences and still retain their pensions." Every policeman would see the Clause did not affect him; but I object to it on the score of principle. We give an absolute right to a pension, and, under the circumstances, I contend that the pension is as much the property of the policeman as if he had inherited the money from his great-grandfather. There are two modes by which we pay policemen under the Bill, one by a system of gratuities, and the other by a system of pensions. It cannot be contended that, having given a gratuity, you could revoke it; and what difference, I ask, does it make if, instead of paying a sum down, you reward him by an annual pension? None at all; and I therefore protest against the singling out of this one class of property for forfeiture. If the principle of requiring the forfeiture of property every time a disgraceful act is done is insisted upon in the case of every body, I could understand its application to a policeman. The English law used to recognise the principle in cases of felony, but its absurdity has been recognised and its total irrelevancy to punishment for crime has caused it to be abolished. This clause is one which

shakes the security of pensions. It would operate with the greatest hardship and injustice in certain cases, such as where an innocent man is convicted, and cases of that kind are by no means unknown. I shall vote against the Clause.

*(7.19.) MR. HOWARD VINCENT: I hope the House will not consent to this Clause being left out. It is a great advantage to the pensioners themselves that it is known that their pensions will be forfeited for certain things, as it enables them better to obtain the light employment of which they are capable.

*(7.20.) CAPTAIN VERNEY: I hope the Committee will adhere to this Clause, as the same rule obtains in the Army and Navy. It is to the advantage of the pensioners, as it enables them to get other employment. I am glad to hear what has been said in the course of the discussion as to the vagueness of disgraceful conduct, for the reason that during my election contest in North Bucks, my opponent expressed a hope that the Constituency would not disgrace itself by returning me.

(7.22.) MR. BRADLAUGH (Northampton): I do not know how far the words "refusing to give assistance in case of any disturbance of the public peace" will extend. There may be many cases where the offence may not be of such a grave character that it ought to involve the forfeiture of a pension. The matter is to rest with the discretion of the Police, and we know they sometimes take a very wide view of what is a disturbance of the public peace. If it were for a Judge to decide I should be content. That is not the case, however, and I think these words should be altered. Many so-called disturbances take place at elections, and an ex-policeman might not wish to identify himself with either side.

Question put, and agreed to.

*(7.24.) CAPTAIN VERNEY: I beg to move to insert the word "indictable" before "offence." This word was inserted at first in the Bill, but was struck out in the belief that it was not necessary. I think it would be better and fairer if it were put in. A man may be indicted for picking pockets, and may not get as much as three months imprisonment with hard labour, but still may be unfit to receive a pension. If it is known that a man can easily lose his pension it will make him careful; besides which, it will make it easier for him to obtain employment.

Amendment proposed, in page 7, line 8, after the word "any," to insert the word "indictable."—(*Captain Verney.*)—

Question proposed, "That the word 'indictable' be there inserted."

(7.26.) MR. MATTHEWS: I cannot accept the Amendment. The object of this Sub-section A is to try by general words to include those Acts which involve moral turpitude. If you put in these words you might include offences, which would not come within that category. In the case of pocket picking I do not think it likely that so light a punishment as two months hard labour would be inflicted for such an offence; for remember, the offender is an ex-policeman.

(7.27.) SIR G. CAMPBELL: I accept the view of the Home Secretary that only offences which imply moral turpitude should be included, but if we accepted the Amendment we could graduate the punishment.

Amendment, by leave, withdrawn.

(7.28.) DR. CLARK: I move to leave out Sub-section C, which provides that a man shall lose his pension if he refuses to assist the police in the detection of crime, the apprehension of criminals, or for the suppression of any disturbance of the public peace. The words "any disturbance of the public peace" will include occurrences such as Salvation Army processions or matters of that kind, for which the hon. Member for Lanarkshire was sent to prison. This, certainly, ought not to depend upon the vote of one man: there ought at least to be a majority of two-thirds or three-fourths.

Amendment proposed, in page 7, line 15, to leave out Sub-section C of Clause 8.—(*Dr. Clark.*)

Question proposed, "That Sub-section C. of Clause 8 stand part of the Bill."

(7.31.) MR. STOREY: I support my hon. Friend in this Amendment, but not quite for the reason he has given. I admit that as to Sub-sections A and B, iit is perfectly right that the pensions should be subject to withdrawal if the

Local Authority thinks fit, but I submit that whatever a man does under Sub-section C, is not sufficient reason for withdrawing the pension he has earned. If he refuses to give to the Police the information in his power for the detection of crime, and apprehension of criminals, and the suppression of any disturbance to the public peace, he is to lose his pension. Suppose he does that, why should he be subject to a special punishment over and above any other man who commits the same offence? If he can be punished for what must be in most cases a very venial offence, why should you subject him to the possibility of losing his pension? If a man has served 25 years honestly, and you have decreed that he shall have a pension, surely if ten years later he does something the Police Authority object to, you should not provide that he should lose his pension.

(7.34.) MR. MATTHEWS: We must bear in mind that the pension is granted to a man who has been allowed .to leave the Police Force on the ground that he either had a medical certificate that he was incapacitated for doing his duty, or had served for 25 years. Surely under such circumstances, it is only right that he should not forget that he is a pensioned policeman, and therefore is bound to give all the assistance he can in the detection of crime and so forth. If a man refuses to give such assistance, it is by no means unfair or unreasonable there should be some penalty.

*(7.36.) CAPTAIN VERNEY: I shall certainly support the proposal to omit this sub-section. The law gives ample power to the Government to cause every citizen to assist the police: why should a policeman be subject to any additional penalty, the additional penalty of losing his pension. I think the right hon. Gentleman might see his way to withdraw this section.

(7.37.) The House divided:—Ayes 132; Noes 39.—(Div. List, No. 225.)

(7.45.) Amendment proposed, in page 7, line 19, to leave out Sub-section (d.) of Clause 8, in order to insert the words—

"(d) If the grantee enters into or continues to carry on any business, occupation, or employment which is illegal, or in which he has made use of the fact of his former employment in the police in a manner which the Police Authority consider to be discreditable and improper."—(*Mr. Secretary Matthews.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

(7.46.) MR. E. ROBERTSON: I rise for the purpose of supporting this Amendment. [*Cries of* "Agreed."] There is one remark I want to make, and I think I am within my right in making it. This Amendment entirely vindicates my suggestion on Saturday that the English and Scotch Bills should have been referred to the same Committee. In this debate constant references to the Scotch Bill are made under the most inconvenient circumstances. The right hon. Gentleman (Mr. Childers) below me has been sitting with both Bills in his hands the whole evening, and has done the House the great service of continually referring to the provisions of the Scotch Bill. I think we have just ground for complaint against my right hon. Friend for having on Saturday prevented us by his influence taking a course whereby references to the Scotch Bills would have been made in a way convenient to the House.

*MR. CHILDERS: My hon. Friend has been good enough to compliment me on my influence. But he has also said, in opposition to my view, the two Bills should have been referred to the same Committee. My sole objection to that course was and is that if it had been adopted the chances are the two Bills would have been so delayed as not to pass this Session.

DR. CLARK: I have no objection to the sub-section being omitted, but I think we ought to know what is meant by "carrying on any illegal occupation." By adopting this Amendment we should change the clause completely. Perhaps our meeting in the House of Commons might be regarded as an illegal occupation, and right hon. Gentlemen engaged in it, and who have large State pensions, might lose their pensions.

MR. MATTHEWS: The words "illegal occupation" apply to some breach of the criminal law.

Question put, and negatived.

Question proposed, "That those words be there inserted."

(7.52.) MR. STOREY: I would have no objection to the words down to the word

"illegal," but I cannot see the justice of the words "in a manner the Police Authority may consider to be discreditable and improper." I am very distrustful of what the Police Authority may consider to be discreditable and improper. I do not allude to Police Authorities in boroughs, but I am not so sure about Police Authorities in counties, because the counties are not controlled as to the police by representative bodies. But my greatest objection would be to trusting to the Police Authority in the Metropolis, which is the Secretary of State for the Home Department for the time being. I would not trust the right hon. Gentleman, for instance, to carry out this clause. In country districts there are many employments and occupations which an ex-policeman might engage in, and which the magistrates might choose to consider to be discreditable and improper. For instance, if an ex-policeman happened to be implicated in some game case, I can understand that in many rural districts the law might be strained with great severity against the man by the authority, which is in no sense representative. I shall take a division. I agree to the words down to "illegal," but beg to move to omit the words from that word to the word "improper."

Amendment proposed to the proposed Amendment, to leave out all the words after the word "illegal," to the end of the proposed Amendment.—(*Mr. Storey*).

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment.

MR. J. ROWLANDS: I think it necessary to press the Amendment of the hon. Member for Sunderland (Mr. Storey). I do not see that this generalisation is better than the generalisation we had in the old clause. There is nothing to show how the power will be used. You are giving pensions, and I take it you are doing so because the men have earned them. I do not think you ought to give the Police Authority power to exercise just as they like. I trust the right hon. Gentleman will see his way to leave out all words after "illegal."

MR. E. ROBERTSON: Reference has been made to the Scotch Committee from which this clause proceeds. Let me say the Scotch Committee, although unanimous in substituting these words, were by no means unanimous in accepting the words which are now objected to.

(8.0) The House divided:—Ayes 100; Noes 50.—(Div. List, No. 226.)

Words inserted.

Other Amendments made. (8.15.)

(8.40.) Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

(8.43.) SIR G. CAMPBELL: The object of the next Amendment which stands in my name is to maintain the present right of a Police Authority to dismiss their own servants at their own discretion. This was discussed in the Committee on the Scotch Police Bill and only defeated by the casting vote of the Chairman. I believe the Government will admit that the clause requires amendment, and I hope they will assent to my first motion, which is to strike out all the operative part of the clause.

Amendment proposed, in Clause 10, page 8, line 3, to leave out all the words after the word "shall."—(*Sir G. Campbell.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

(8.46.) MR. MATTHEWS: I agree that Clause 10 requires amendment, and that the Police Authorities ought to have an absolute right to dismiss any constable, who, it must be clearly understood, will, in the future, have no vested interest in his position. In the event of a constable who has earned a pension being guilty of gross misconduct, he should be liable to be dismissed without a pension, but in that case he ought to have a right of appeal, and that appeal I propose to give him, to the Court of Quarter Sessions. I propose to insert in the clause the following words (and here I may say I do not object to the hon. Member's words, they are probably quite as good as my own):—

"Nothing in this Act shall prevent any constable being dismissed or reduced to any lower rank or lower rate of pay or from having his claim to pension refused on account of misconduct or of negligence in the discharge of his duty, or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited or withdrawn."

If the House prefers the hon. Member's words, I am quite prepared to give way. I wish to preserve unimpaired the absolute power of the Police Authorities to dismiss or to reduce any constable without cause shown, but to secure for any dismissed constable who has earned a pension a right of appeal, and in that case good cause for his dismissal must be shown. I look at it in this view. The right of dismissal and of getting rid of a constable must remain absolute, but where a man has already earned his pension he is to have a right of appeal against dismissal.

(8.52.) MR. HUNTER: I am glad the right hon. Gentleman has taken this view. When the Committee discussed this point I felt that the language of the clause was somewhat incautious, and that it gave a vested interest in his office to every constable, I thought that that could not be the intention of the Government, and accordingly I moved an Amendment, similar to that now proposed by the hon. Member for Kirkcaldy. It seems to me that so far as the mere wording is concerned, that should be left to the responsibility of the Government. I think my hon. Friend will do well to accept the Amendment of the Home Secretary.

*(8.50.) MR. CHILDERS: I, also, was glad to hear the announcement made by the Government, who did not in the Scotch Committee hold the same language. It seems only reasonable that when a constable has not earned a pension, the right of the dismissed should not be subject to appeal, as it should be when the pension has been earned and is refused. The question becomes then one of law.

(8.54.) MR. E. ROBERTSON: I wish to know whether the Government will assent to a similar Amendment being introduced into the Scotch Police Bill, the words of which are most ambiguous. I beg to tender my warm congratulations to the Home Secretary on the manner in which he has met this serious difficulty. It will complete our satisfaction if the right hon. Gentleman will give us an assurance that corresponding modifications will be made in the Scotch Bill.

(8.57.) SIR G. CAMPBELL: The words of the right hon. Gentleman thoroughly express what we wish to secure, and I am quite willing to leave the responsibility of framing the words to the Government.

(8.58.) MR. SHAW LEFEVRE: I know that the clause gave considerable alarm to Local Authorities in the North, and the proposed alteration will allay that uneasiness.

MR. STOREY: Will the alteration give the Local Authorities an absolute right of dismissal? And if so, will similar words be inserted in the Scotch Bill? Those are the points on which we wish to be satisfied.

MR. MATTHEWS: I will accept the words suggested by the hon. Member for Kirkcaldy if he will allow me to add the words I have proposed relative to the withdrawal of pensions.

Question put, and negatived.

MR. MATTHEWS: I now propose to add the following words:—

"Or shall prevent his claim to pension from being refused on account of misconduct or negligence in the discharge of his duties, or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited and withdrawn."

MR. HUNTER: Would the Lord Advocate apply this proposal to Scotland?

THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): I think this is a matter on which I should be prepared to insert such an Amendment in the Scotch Bill.

Question, "That those words be there added," put, and agreed to.

(9.2.) MR. STOREY: I now beg to propose the Amendment which stands in the name of the hon. Member for Durham (Mr. Atherley-Jones).

"To leave out from 'apply,' in line 20, to 'court.' in line 23, and insert:—'In the case of a borough to the council thereof, and in the case of a county to the joint police committee of the justices and the county council of the county in which the constable was last serving, and the council or the joint committee, as the case may be, may make such order as to the council or the joint committee may seem just.'"

I should myself have preferred to move the rejection of the clause, but I do not think I can go further under the circumstances than my hon. Friend proposes, and therefore, without pinning myself to its exact terms, I will move his Amendment as he has placed it on

the Paper. The House knows that this is a clause giving an appeal in certain cases. It is not a case of contract. The Municipality does not agree to give the pension. It is the State which has stepped in, and having offered a sum totally inadequate to pay the pensions it proposes to compel municipality by law to make up the difference. As the ratepayers are to be the paymasters they may fairly ask that in a question between themselves and their *employés* the matter should be left for settlement by themselves. We have heard much about decentralisation and the necessity for allowing in the public interest the claim made for a free Local Government, but we are now brought face to face with the fact that after the Local Authorities have decided that a thing shall not be, there shall, nevertheless, be the thing. My experience is not that the Local Authorities treat their servants harshly. If any complaint can be made against the Local Authorities it is not that they are illiberal. This must obviously be the case, because those who elect the Municiple Authorities are, as a rule, small shopkeepers and workpeople who, having themselves felt at some time or other the pinch of poverty, are inclined to be generous where these allowances have to be made. But here comes the Home Secretary with a proposal that there shall be an appeal, and my hon. Friend's Amendment goes to the point as to what that Court of Appeal is to be. The Bill provides that it is to be the next Quarter Sessions having jurisdiction in the place where the constable last served. My hon. Friend's Amendment proposes to omit the words from "apply" to "Court," and to insert the words I have already read. I beg to urge on the Home Secretary, that in the case of boroughs which have no Quarter Sessions, this proposal raises one of the most burning questions that could be introduced. The want of these Courts of Quarter Sessions has caused a large amount of friction and personal antagonism as between the County and Borough Justices. The right hon. Gentleman's proposal reopens an old sore which we had hoped to have closed for ever, and my hon. Friend, in order to meet the objections to this proposal, suggests that the reference should be, not to the Court of Quarter Sessions, but in the case of a Borough to the Council, and in the case of a County to the Joint Police Committee of the Justices and the County Council. What can country gentlemen living miles away from these small Boroughs know of their needs and peculiarities? It may be said that the Watch Committee is practically the Town Council. It used to be the case that the Watch Committee was a mere Committee of the Town Council, but some years ago the Watch Committee was erected into a statuable body. That is, a body which would in the first place decide as to these pensions, and it is now proposed that there should be an appeal from the Watch Committee to the whole Council, who, certainly, have the best right to decide these matters. I think Town Councils may be trusted to settle such questions on principles of equity and fair play. Consequently, I regard the proposed appeal to the Town Council as a reasonable course that would obviate much friction. With regard to the counties, I would remind the House that in the Pilotage Bill which came before it we had an appeal given to the County Court Judge or the Stipendiary Magistrate. I should not object to such an appeal being given in Boroughs without Quarter Sessions jurisdiction, because the County Court Judge is constantly available in the Boroughs, and holds an absolutely independent position. We could, therefore, have confidence in him; and I may say the same of the Stipendiary Magistrate. At any rate, we strongly resent any measure subjecting the Town Councils to the review of Courts of Quarter Sessions, which otherwise possessed no authority in the Boroughs, and are without the respect and confidence accorded to the representative bodies.

Amendment proposed, in page 8, line 20, to leave out from the word "apply" to the word "just," in line 23, in order to insert the words—

"In the case of a borough to the council thereof, and in the case of a county to the joint police committee of the justices and the county council of the county in which the constable was last serving, and the council or the joint committee, as the case may be, may make such order as to the council or the joint committee may seem."—(*Mr. Storey.*)

Question proposed, "That the words 'to the next practicable Court of Quarter Sessions' stand part of the Bill."

(9.15.) MR. MATTHEWS: I would point out, that by the clause we have already passed a legal right to certain pensions is given to the Police under certain conditions: the House having admitted the legal right, it is proposed that the Court of Quarter Sessions, as a body conversant with Police matters, should be the Court before the consideration of the appeals, in cases where the Police Authority chooses to deny the constables the right which Parliament has conferred upon them. Now, what is the proposal of the hon. Member for Sunderland? I must confess that I have some difficulty in understanding it. Sometimes, as was the case when we were dealing with Clause 8, the hon. Member was for cutting down the discretion of the Police Authority, but now, when the question is whether the Police Authority have the right in refusing a pension, he actually proposes that the Court of Appeal should be the Police Authority itself.

MR. STOREY: No.

MR. MATTHEWS: The hon. Gentleman does not seem to understand the effect of his own proposal, and apparently has not read the Bill. The Watch Committee, which would have the granting or refusing of a pension, forms an important part of the Town Council itself, and that Town Council is to be the appeal against the Acts of its own Watch Committee; so that practically the hon. Gentleman gravely proposes that the very persons who have approved the dismissal of a constable without a pension shall constitute the Court of Appeal to hear the complaint of the aggrieved constable. The proposal is similar to others with which the time of the House has been wasted.

*(9.20.) SIR A. ROLLIT: I am glad to see the explicit resistance which has been offered to this Amendment by the right hon. Gentleman. No one can have a stronger sense of the political antipathies of the hon. Member for Sunderland than I have, but I would point out that this is a matter of contract only. The constable contracts with the Police Authorities for pay, plus pension, and if the question of affirming or refusing a pension is to be left to the Police Authority, it makes one of the parties to this contract the Judge in his own case. The constables are entitled to a judicial, not to an *ex parte*, decision. The proper authorities being the Quarter Sessions, I hope this proposal will not be pressed, as it seems to me to be destitute of all principle. I think there ought to be every guarantee of impartiality in the case of these appeals; and to entrust them to the Town Councils would be a fallacious procedure, because these bodies would be practically affirming their own decisions, inasmuch as the members of the Watch Committee form a large proportion of the Town Councils. Such bodies are certainly to be trusted to do what they believe to be right, but no one should be judge in his own cause in the result of which he has an interest.

*(9.25.) MR. CHILDERS: We are here dealing with a question of protection of the legal rights of police officers, and the only point for consideration is to whom should these persons, if they think they have been illegally treated, make their appeal? I am sorry to disagree with my hon. Friend the Member for Sunderland, but I regard the act of the Town Watch Committee as the act of the Council. If on that ground alone, I could not accept my hon. Friend's proposal; but I have also in my mind the decision arrived at on this matter by the Committee on the Scotch Bill, and I think it would be well to follow more nearly the analogy there established than to accept the proposition of the Home Secretary. In Scotland the Sheriff, who is a legal officer of great experience, is the person who would decide these appeals. The best analogy we can find in England is the County Court Judge, who holds in some respects a similar position to that of the Scotch Sheriff. I think it would be better to give the right of appeal, which is a valuable right to the Judge of the County Court, than to accept the proposal of the right hon. Gentleman. I would, therefore, ask the Home Secretary, who knows that I have done my best to support this Bill, whether he will not allow the appeal in England to be made to the County Court Judge.

(9.28.) SIR G. CAMPBELL: I am sorry to differ *in toto* from the right hon. Gentleman the Member for South Edinburgh. I think the proposal of the Home Secretary is very much better than that of the right hon. Member for Edinburgh. I do not think it necessary that matters of this kind should be ex-

clusively decided by a lawyer, because, while having regard to the law, we ought to have some consideration for equity and justice. It strikes me that the Court of Quarter Sessions would combine the judicial and equitable qualities, and that the nature of its experience specially qualifies it for dealing with these questions. Therefore I hold it to be the best tribunal we can have.

*MR. J. C. STEVENSON (South Shields): I must say that I heartily concur with the suggestion that the County Court Judge should be constituted the Court of Appeal. The case of the pilots is, I think, analogous to the present question. By an Act passed last Session, pilots who had paid into the pilotage funds, and who were entitled to a pension, were given an appeal to the County Court Judge in England, and to the Sheriff in Scotland, against any decision of the Pilotage Authority. I agree with what is now proposed, and will support the leaving out of these words in order to leave room for the insertion of the words "County Court Judge."

(9.31.) DR. CLARK: The right hon. Gentleman, the Home Secretary, would save time if he would agree to the insertion of the words "the County Court Judge." If you only allow an appeal to Quarter Sessions you will have the Magistrates first sitting as a Police Committee, and then sitting to hear the appeals of the police against the decisions of the Committee. I know the Police Committees are not composed wholly of magistrates, but partly so. Still, I think the police have a right to have their cases heard by an altogether unbiased authority. We are passing an Act to give certain rights and privileges, and when those rights and privileges are denied to a man, either by a Watch Committee in a borough, or by a Joint Committee in a county, he ought to have an appeal to a judge whose decision ought to be final. I am sorry that you have not in this country a judge equivalent to our Sheriff, but the nearest approach to it is the County Court Judge, and I think that the appeal ought to be to him. I think the right hon. Gentleman, the Home Secretary, should accept the Amendment, seeing that he himself has admitted that there is a good deal to be said for it.

(9.35.) MR. J. P. B. ROBERTSON: I am in favour of the appeal in Scotland lying with the Sheriff, as I think that is an admirable form of appeal; but I am afraid that the reasons that constitute that a specially appropriate Court of Appeal do not apply to the County Court Judge. In Scotland the Sheriff is a trained lawyer, and in the general case a good lawyer; but, at the same time, it is not merely on account of his being a trained Judge in an Appeal Court that he is an appropriate arbitrator on questions arising under this clause. The Sheriff in Scotland is not only a lawyer who holds Courts of Appeal, but he also is an administrative officer in the county, and is brought into daily contact and special relations with the police. The Sheriff in the county in Scotland is responsible for the peace of the county. He has the use of the police for the suppression of disorder and the preservation of the police. He is a member of every Police Committee in the county, and there are various other points of contact between him and the police. As an administrative officer he brings, in corroboration of his qualifications, the judiciary powers of deciding, which he has gained by experience. I would warn the House against accepting the County Court Judge in England as an analogy for the Sheriff in Scotland.

(9.38.) COLONEL NOLAN (Galway, N.): I thought the Home Secretary was going to agree to the Amendment, from his speech; but he has not done so. The Court of Quarter Sessions would be an admirable Court of Appeal in Ireland, as the County Court Judge there is the Chairman of that body. But it has been explained to me that the Court of Quarter Sessions in England consists of nobody but the Magistrates, and it seems to me that that would be a most dreadful tribunal to hear these appeals. There are very few police in English counties—England in this respect being exactly the reverse of Ireland—and there are a great many police in the towns; and if the Magistrates were to have the control of the police, it would be a most serious blow to the Municipalities. It seems to me that, if the proposal of the Government is adopted, the police will not know who are to be their masters—whether the Municipality or the Magis-

trates; but if you adopt the advice of the right hon. Gentleman the Member for Edinburgh, and leave the whole question of pensions, when there is a dispute, to a judicial mind like that of a County Court Judge, you will give the police fixity of tenure and judicial security for payment of what is due to them. I would point out that, in a letter to the *Times*, a Lord Lieutenant of a county not long ago insinuated that those Magistrates who speak against the Government in the House of Commons ought to resign. Well, it would appear from that that Lord Lieutenants might insist on Magistrates resigning in certain cases if they did not give pensions to the police.

*(9.42) CAPTAIN VERNEY: I must condemn the tone of the speech of the Home Secretary, who apparently has no practical knowledge of this subject, or how Quarter Sessions in country districts are conducted. If the appeal is to the County Court Judge, the policeman will say he has a legal claim, and the County Court Judge will simply decide the point of law brought before him. There can be no doubt there will be considerable jealousy on the part of the Borough Councils if the County Magistrates are allowed to override them in regard to police pensions. That argument which was used by an hon. Member below the gangway is a powerful one, and is a valuable contribution to the Debate. The argument of the hon. Member for Caithness, that the Joint Committees are partly composed of County Magistrates, was also a strong one against the proposal of the Government. As Chairman of the Quarter Sessions in Anglesea, and also member of the Joint Committee, I should have to decide in the one capacity upon my action in the other. In the rural districts the Chairman of Quarter Sessions, as a rule, sits with, perhaps, not more than one other Magistrate. I think the appeal should lie with the County Court Judge, as he is the one man in the county who is accustomed to decide claims for pay. Surely he would be fitted to decide the questions of law arising under these clauses.

(9.47.) MR. MACLURE (Lancashire, S.E., Stretford): I shall most emphatically support the Court of Quarter Sessions. If the appeal is to the Court of Quarter Sessions the County Committee can be excluded, and then there will be a Court in which the constables will have confidence.

(9.49.) MR. LEAKE (Lancashire, S.E., Radcliffe): I think that, so far as the Boroughs are concerned, the Government will be wise in leaving the arbitrament to the County Court Judge.

(9.50.) MR. SHAW LEFEVRE: Under the clause as it stands, no matter within the discretion of the Police Authority will have to be determined by the Court of Appeal. The only question will be one of law, and it appears to me that the proper tribunal, therefore, will be the County Court Judge, and not the Quarter Sessions Court. The case for decision will really be in the nature of a civil action.

(9.51.) MR. LABOUCHERE (Northampton): The appeal is to be to the County Justices.

MR. MATTHEWS: No; to the Recorder of the Borough.

MR. STOREY: There are no Recorders.

MR. LABOUCHERE: I think the Home Secretary does not know his Bill. There is no Recorder mentioned in the Bill. So that really there will be an appeal from the Borough to the County Magistrates. Undoubtedly there is strong jealousy on the part of the Boroughs against the County Magistrates, and I think the right hon. Gentleman ought to insert some words giving an appeal from the Borough Police to the Recorder of the Borough or the County Court Judge.

*(9.52.) THE UNDER SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. STUART WORTLEY, Sheffield, Hallam): The hon. Gentleman has not observed that the Court of Quarter Sessions, having jurisdiction in the Borough, is already in the Bill, and that Recorders preside in all large Boroughs over the Courts of Quarter Sessions. The right hon. Gentleman opposite committed himself to the opinion that they were really civil matters and questions of law. They are not civil matters, but criminal matters, and matters of fact. These are very proper to be decided in the Court of Quarter Sessions, and are utterly remote from those tried by the County Court Judges.

(9.53.) The House divided:—Ayes 107; Noes 60.—(Div. List, No. 227.)

(10.3.) DR. CLARK: Perhaps the Home Secretary might agree to make the matter optional. I beg to move an Amendment to that effect. In the case of a County, one-half the Police Committee consists of Magistrates, and therefore in appealing to the Justices, the constable would have, we will say, to appeal from Philip drunk to Philip sober. I think he ought to have the right to appeal to someone who has not given a decision already.

Amendment proposed, in page 8, line 20, after the word "sessions," to insert the words "or to the County Court Judge."—(*Dr. Clark.*)

Question proposed, "That those words be there inserted."

(10.6.) MR. MATTHEWS: I take it for granted that Magistrates who are on the Joint Committee will be absolutely disqualified from sitting in the Court of Quarter Sessions on the hearing of an appeal against their decision. This is the rule in all appeals from Petty Sessions to Quarter Sessions. No Justice whose decision is appealed against does sit in Quarter Sessions on the hearing of the appeal, and if one did so, the decision of the Quarter Sessions would be invalid. The questions which will arise on appeal are all criminal questions or questions of fact. County Court Judges know no more, and, indeed, not as much, about what a police constable ought to do as members of the Quarter Sessions Court. The hon. and gallant Member opposite (Captain Verney) says his knowledge of Quarter Sessions dates back 30 years. I may say I practised in Quarter Sessions when the hon. and gallant Gentleman was still rolling on the briny ocean. Quarter Sessions deal with Licensing Appeals, and with appeals on other matters, and they are quite competent to act in this way.

(10.10.) Question put, and negatived.

MR. MATTHEWS: The next Amendment was suggested by my learned Friend the Member for the Leek Division of Staffordshire (Mr. H. T. Davenport). It is meant to meet the case of a Borough like Lichfield, which has a Court of Quarter Sessions, a Recorder, and a Police Force of its own. We want to provide that a constable of a County shall appeal to the Quarter Sessions of the County, and a constable of a Borough having a Quarter Sessions, to such Quarter Sessions.

Amendment proposed in Clause 11, page 8, line 20, leave out from "having," to "serving," in line 21, inclusive, and insert—

"For the county within which the constable last served; or if the constable last served in the police force of a borough having a separate police force and a separate court of quarter sessions, then to the next practicable court of quarter sessions for that borough."—(*Mr. Matthews*).

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. STOREY: Perhaps the right hon. Gentleman will tell us what he proposes in the case of a large number of Boroughs that have a Borough Bench but no Court of Quarter Sessions.

*MR. MATTHEWS: They must go to the County.

MR. STOREY: I will not trespass on the House now because I have given notice that immediately these words are struck out I shall move a consequential Amendment to cover the case of Boroughs with a Bench of Magistrates.

Question put, and negatived.

Question, "That those words be there inserted," put, and agreed to.

(10.15.) MR. STOREY: The clause as it now stands provides that in a County the appeal shall be to a Court of Quarter Sessions, and that in a Borough, with a separate Police Force and a separate Court of Quarter Sessions, the appeal shall be to the Quarter Sessions of that Borough. I do not contest the fairness of that provision, but I put to the Government the case, not of one, but of many towns, large and small. A very considerable number of Boroughs have Borough Benches of their own, and Police Forces of their own, and they do not want to have to appeal to the Court of Quarter Sessions. The right hon. gentleman must be aware that there is a long standing feud between the Magistrates of the Boroughs and the Magistrates of the Counties. [*Cries of* "No, no."] The hon. Member for Sheffield (Mr. Howard Vincent) says "No," but he cannot know much about it. ["Why not?"] Because he has

never had much practical acquaintance with Boroughs. [Mr. Howard Vincent: "I am a Borough Member."] I know he has been a Borough Member for a limited number of years, but what does he know about the management of Boroughs? When I said a feud, I did not mean a personal feud. The County Magistrates used to claim jurisdiction in the Borough, and they used to sit with the Borough Magistrates and attempt to adjudicate with them. In the end, the Borough Magistrates appealed to the Superior Courts in order to be delivered from that state of things, and a working arrangement was made under which the Borough Magistrates sat for five days in the week, and the County Magistrates came in on the Saturday and took County cases. In the Boroughs we are strongly of opinion that, as we manage our own affairs municipally, we ought to do so judicially. What does the right hon. Gentleman propose in the Bill which he says he understands, and which he says I do not? He proposes that if in such large towns as South Shields, Stockton, Sunderland, and Gateshead, we have a dispute with a policeman as to his pension, we shall pass over the Borough Bench and go to the County Magistrates at Durham. The Municipalities object to such an arrangement, and therefore I beg to propose to add to the clause the words, "or if in a Borough with a Borough Bench but not a Court of Quarter Sessions for the Borough, then to the Borough Bench."

Amendment proposed, at the end of the last Amendment, to insert the words—

"Or if in a borough with a borough bench but not a court of quarter sessions for the borough, then to the borough bench."—(*Mr. Storey.*)

Question proposed, "That those words be there inserted."

*(10.23.) MR. MATTHEWS: I am sorry that I cannot agree to any of the hon. Member's Amendments. I do not think that the hon. Member has thought out what he has proposed. This is a question of appeal, not a matter of legal right; and such appeal must go to a Court. A Borough Bench is not a Court; they have no jurisdiction, either by common law or statute; they have no place of meeting for the transaction of business. They have no corporate or collective existence at all; they are a mere congeries of atoms. Therefore, the proposal of the hon. Member is one which is simply impossible in law and impracticable in fact.

(10.25.) SIR H. DAVEY (Stockton): I really do not feel much impressed by the legal argument of the right hon. Gentleman. It is quite true that a Bench of Borough Magistrates may not have the jurisdiction of a Court of Quarter Sessions, but we are now debating a new statutory jurisdiction, and I cannot see why, when we are creating a new statutory jurisdiction *de novo*, we should not give it to the Bench of Borough Magistrates meeting in their usual place. This is not old business which has hitherto been transacted by the Court of Quarter Sessions; it is new business altogether; it is more in the nature of arbitration than anything else: it is the appeal of a policeman against the depreciation of his pension. It is quite true that words may be requisite to explain and guard the Amendment, but as to the legal impossibility, I must say that I am not impressed by the arguments of the Home Secretary.

(10.27.) MR. ADDISON (Ashton-under-Lyne): I really am quite astonished at the speech of the hon. and learned Gentleman, the Member for Stockton (Sir H. Davey). All who are acquainted with Quarter Sessions know that they are a Court of Record, cognizant of such matters as those into which we are now inquiring, whereas the Borough Magistrates are not a Court at all in the legal sense of the word. The hon. Member for Sunderland speaks of a contest between Borough and Country Magistrates. I am well acquainted with Lancashire, and to say that there is any contest between the Borough Magistrates and the County Magistrates in that County, where there are many Borough Magistrates, is a mere fiction.

*(10.29.) MR. BRUNNER (Cheshire, Northwich): I am amazed to hear the hon. and learned Gentleman say that there is no jealousy between the Borough and the County Magistrates in Lancashire. At every Quarter Sessions complaints are heard on the part of the Borough Magistrates of Manchester and Liverpool of their decisions being overridden

by the County Magistrates. I trust the Secretary of State will inform himself on this point. I can assure him that if he does not listen with favour and consideration to the appeal on behalf of the Borough Magistrates, he will give a great deal of pain to a great many worthy supporters of the party of which he is a distinguished ornament. We have heard from the hon. and learned Gentleman (Mr. Addison) that Borough Magistrates are not a Court. Well, my hon. Friend, the Member for Sunderland (Mr. Storey), who has been accused of ignorance, is well aware of that; it is a fact we have known for a long time; a fact which we dislike and which troubles us. We consider that Borough Magistrates, being such as we know them to be, are quite as capable of forming an opinion as Magistrates appointed by Lords Lieutenant of Counties. I trust yet that the Home Secretary will see fit to add these words which, by the hon. and learned Member for Stockton (Sir Horace Davey), have been declared to be necessary. I do not pretend to give a legal opinion, but it does not seem to me to be necessary that Borough Magistrates should be constituted a Court with full legal powers in order to act as a Court of Arbitration between policemen and those who govern them. However much we may be impressed by what the Home Secretary tells us; however much he tells us of the difficulty of making Borough Magistrates into a Court, it does not seem to me to be necessary, and I trust hon. Members opposite who represent borough constituencies, and there are a good many of them, I am sorry to say, will support our proposal.

*(10.31.) SIR A. ROLLIT: Hitherto I have supported the Government as to the appeal tribunal, but I hope some concession will be made to the strong feeling that undoubtedly exists in Boroughs. I wish to avoid exaggerating that feeling, but undoubtedly there does exist some jealousy between Boroughs and Counties in respect to the distinctions in jurisdiction between the Magistrates in either, for example, with reference to hearing licensing appeals; a feeling, I think, it would be well to get rid of. I confess there is a difficulty as to the Amendment, which is crudely worded, but it is of a technical and legal character. The Borough Magistrates exercise jurisdiction under the Summary Jurisdiction Acts, and a slight addition to their power would enable them to act in cases such as is here proposed. From the point of view of the policeman, it should be observed that he is dependent on the pension for his subsistence, and it is important to him to have a speedily and easily accessible tribunal to which he can go without expense. The Borough Magistrates present such a tribunal in Boroughs, and I cannot doubt that they would deal out substantial justice. I was much impressed by what was said by the hon. Member for the City of Edinburgh, but even then I supported the Government, believing that on the whole they had proposed the best tribunal; but I do hope that the Government will see their way to making this concession.

*(10.33.) MR. SINCLAIR (Falkirk, &c.): Speaking as a Magistrate of Liverpool, I hope the Government will make this concession. In Liverpool, as we know, there is an appeal to the Recorder, but there are two adjacent Boroughs where there is no Recorder, and where the appeal will be to Quarter Sessions: I mean Bootle, and, on the other side of the Mersey, Birkenhead. In these two Boroughs, practically running into Liverpool, the distinction will create some feeling it is desirable to avoid. Without going so far as to say there is ill-feeling between County and Borough Magistrates in Lancashire, I may say the distinction is felt; and whatever feeling there is should be removed, and at least should not be added to by increasing the points of distinction in jurisdiction. The distinctions are very prominently brought out when of members of the same family some are Magistrates in Boroughs and others in Counties.

(10.35.) THE SOLICITOR GENERAL (Sir E. CLARKE, Plymouth): I think my hon. Friend who spoke from this side, and others, do not really see what the question is. If there is to be an appeal at all, it must be to a court or definite body with power to deal with the matter in question. It is perfectly intelligible that an appeal should be to the Court of Quarter Sessions, but in a borough which has no Court of Quarter Sessions the Borough Justices do not form any court

at all, and have no means of forming a court. There is no court to which an appeal could be taken, and it would take an Act of Parliament to form Borough Magistrates into a specific court in order to deal with this matter. In such cases I submit it is only reasonable that the appeal should be to the Quarter Sessions of the County.

(10.37.) MR. GOURLEY (Sunderland): But under an Act of Parliament Borough Magistrates have been constituted a court for the purpose of dealing with wrecks in certain cases. Surely there would be little difficulty in constituting a certain number of Magistrates into a Court to deal with these pension cases?

(10.38.) DR. CLARK: Under the Merchant Shipping Act Amendment Act they are constituted a court with assessors under the Board of Trade.

SIR E. CLARKE: Under special Act.

DR. CLARK: Yes; but the view presented to us is that they are a heterogeneous body, having no jurisdiction as a court. Why, they try and send persons to prison; they have various functions; they have clerk and officers; they have, as a matter of fact, been constituted a court under the Board of Trade. Your description is a caricature of their position. The House of Commons is, in theory, the secondary chamber to the Lords, but time has increased the power of the one and diminished the power of the other; and so, also, with these two classes of Magistrates. It is merely a technical, not a real difficulty that is raised. Borough Magistrates are, in fact, a fully competent court to deal with such cases as an Act of Parliament may entrust them with.

(10.41.) The House divided:—Ayes 74; Noes 116.—(Div. List, No. 228.)

*(10.50.) MR. HOWARD VINCENT: I rise to move the omission of Clause 13. It is a matter of great importance to pensioners, and it will be observed that my hon. Friend the Member for South Islington has notice of an Amendment to a like effect. It is a subject I raised in the Standing Committee, but it is of such importance that I venture to invite thereon the judgment of the House. Clause 13 provides that a constable's pension may be suspended if he takes employment in another police force, and that if a constable takes employment paid for by Government, or out of a county or borough rate, he shall not receive more pension than shall, together with the pay of his employment, amount to one-and-a-half times his police full pay. Clause 8 has dealt with offences for which a pensioner shall forfeit his pension, and this clause prevents him from following certain occupations. This, I think, is most unfair and undesirable. If a man has served 25 years in the Force he has fairly earned his pension, and if any County Council or Town Council or any Local Authority chooses to employ him in any light occupation, so much the better for him; but I see no ground on that account why he should forfeit his pension. We give by this Bill, as the Home Secretary has said, a policeman an absolute legal right to a pension; but I may point out that the second part of the section—there is not perhaps so strong an objection to the first part—the second part would absolutely prevent a pensioner from even taking charge of an empty house belonging to the County Council, because for that duty he would be paid out of a borough or county rate or fund. I hope I may have such support as may induce the Government to consent to the omission of the clause. It is of vital importance to pensioners. It puts a restraint upon industry, and a premium upon idleness. I may appeal to the hon. Member for Kirkcaldy, who takes such an active interest in this Bill. He, I am quite sure, would not wish that a disqualification of the kind should attach to acceptance of a pension. I take his own case. He is in receipt of a pension for services rendered——

SIR G. CAMPBELL: No.

MR. HOWARD VINCENT: No—well, then, it is an annuity. I think the hon. Gentleman called it an annuity in the Grand Committee. But he, I am sure, would admit the injustice of attaching to the receipt of this superannuation allowance a disqualification against the employment of his abilities in other directions.

Amendment proposed, in pages 8 and 9, to leave out Clause 13.—(*Mr. Howard Vincent.*)

Question proposed, "That Clause 13 stand part of the Bill."

(10.53.) SIR G. CAMPBELL; As the hon. Member has appealed to me, I say at once that not only can I not support him, but I can hardly think he is serious in his proposal. He proposes that a man having served in a Police Force and being discharged with a pension, shall be allowed to go to the next town or county and there take service in another Local Force and continue to draw both pay and pension. That seems to me a preposterous proposal, and I do not think that the hon. Member can seriously mean to make it. The hon. Member cites, by way of illustration, the taking care of an empty house for a County Council, but this is not a case in point, because it will be noticed that the proviso is that pay and pension combined shall not be more than one and a-half times his full police pay. This prohibition against employment in other branches of the Civil Service while drawing a Civil pension is a principle generally applied. If I may make a personal reference, I may tell the hon. Member that I do not draw a pension, and that I served so long that I consider that I entirely paid for my annuity, and that I receive no contribution from the Government at all. That being so, I consider myself free to accept any employment that may be offered.

*(10.54.) SIR A. ROLLIT: The proposal appears to me to be not only a serious one, but one to be seriously supported. There is probably no stronger feeling among the police in reference to this Bill than that in favour of the omission of the clause before the House. The Bill proposes that the men shall have an absolute right to the pension on certain conditions, and the contract with them is for, say, plus, a pension at the end of a certain period of approved service. If the men fulfil those conditions, I cannot see why any limitation should be put upon their future employment. The case of the Army is analagous. In the Army the soldiers have pensions, and when they are discharged every one most earnestly and properly desires that they should find good employment. Both the present and the late Chief Commissioner of the Metropolitan Police draw pensions from the Army, and do or did most meritorious service in the police at the same time. To proscribe a policeman able to work, and offered the opportunity for employment is justified by no reason whatever. His fitness to engage in his new employment is entirely a question for those who engage him; and having performed his part of the contract of service in the force he is entitled to the pension and the right to the profitable employment of his remaining time. In the interest of the force, and in the interest of the public, because it will be an additional encouragement to efficient service, I hope my hon. Friend will press the Amendment, with the result that it will ultimately be accepted.

(10.56.) COLONEL NOLAN: I supported the Amendment of the hon. Member for Sheffield in Committee, and I think it is founded on common sense. I do not think a man should get a pension so long as he is fit for his work; and I think two or three millions would be saved in Army, Navy, and Civil Service pensions if this principle were acted upon. If a man is fit for the work on which he is engaged, why drive or coax him out of the service with a pension? This was the point I maintained in the discussion on the Army Pension Bill, and I spoke for an hour upon it; but when once you have got rid of a man with a pension, let him be free to employ his time and industry as best he can. I therefore support the Amendment.

(10.57.) MR. MATTHEWS: The logic of the hon. and gallant Gentleman is difficult to follow. He is prepared to grant a pension to a man when he is disabled for further work, but this clause deals with the case of a man who shows that he is not disabled, having undertaken similar work. He leaves the police because he is no longer able to do the work.

COLONEL NOLAN: No, that is not the Bill.

MR. MATTHEWS: He either is discharged upon a medical certificate, or he

is discharged at the end of 25 years' service. The hypothesis upon which a policeman receives a pension is either that he is medically unfit, or that, having served 25 years, his nerves are shattered and his strength gone through prolonged conflict with the criminal classes. The theory is that the man's exertions in the Public Service have worn him out. It is upon that theory, and that theory alone, that he is pensioned. But if the man takes service in another Force it proves that theory to be wrong, and, therefore, it is right the pension should be forfeited. The case of deferred pay is altogether different; there it is a matter of contract, and there is an end of it. But that is not the principle here, which is compensation to a man for exhaustion of mental or bodily faculties worn out in the Public Service.

*(11.0.) CAPTAIN VERNEY: One argument has not been advanced, and that is the great advantage of the public in being able to employ policemen. I shall support the Amendment of the hon. Member for Sheffield on that ground. I think it would be a great misfortune and drawback not to be allowed to employ policemen, simply because they are in receipt of pensions, and, therefore, I shall indulge in the extremely novel sensation of supporting an Amendment proposed by the hon. Gentleman opposite.

(11.1.) MR. BURDETT COUTTS (Westminster): I also shall support the Amendment. I do not see why, after a man has earned his pension by serving the required period, any restraint should be placed on his making the best of the energies he may retain. I think the police feel very strongly on the point, and I certainly intend to support the Amendment.

(11.3.) MR. BARTLEY (Islington, N.): I think we are going too far in this Bill. We are giving the police the enormous advantage of obtaining a pension at the age of 46 years. It certainly cannot be in the interest of the ratepayers to allow a man of 46 years to receive a pension, and then go on in the Service with full pay as well. No other of policemen. We are making most class of public servant—neither soldier nor sailor—is allowed such a privilege, and I do not think we ought to hold out such bribes, in order to catch the votes liberal arrangements in the interest of the police, but I do not think we shall be justified in going to this extreme.

(11.5.) MR. ISAACSON (Tower Hamlets, Stepney): I shall support the Amendment. Representing, as I do, an East End constituency I feel that I cannot do otherwise. I hold that, after a policeman has earned his pension by, say, a service of 25 years, he has a right to be perfectly free to do what he likes.

(11.7.) DR. CLARK: Policemen are compelled to pay a portion of their wages to the Pension Fund, and if they are so unfortunate as to fall sick, the sick leave is deducted for the period of service. As a matter of fact, the granting of these pensions will prevent agitation for higher wages, and the men will not get that increase of pay which they would have obtained if the pensions were not to be granted. A man of 46 years, even after 25 years' service, may be able to get light employment in various capacities, and I think it would be acting most unfairly towards him to prevent him doing so. I think he has an absolute right to his pension. He has paid for it, and if you prevent him working, simply because he receives a pension, I think you will deprive him of a great privilege. I know that in Scotland a number of ex-policemen find light employment. Whatever may be the case in London, we know that in the provinces very few policemen are worn out at the age of 46 years, and that most of them are quite fit for another 10 years' service. They are not likely to retire on a pension if they are able to continue in the Force at full pay.

(11.10.) MR. AMBROSE (Middlesex, Harrow): Two points have been lost sight of by the hon. Members who have supported this Amendment. In the first place it is clear that a police officer who gets a pension is not prevented from taking any other work, but he may

undertake employment, the remuneration for which does not exceed one and a half times the amount of his former salary. If he should be able to get a salary in excess of that, the argument comes in that he is a man who ought not to be pensioned at all. It is said that this pension is an absolute right; but, on the other hand, I venture to suggest that this Bill was promoted not in the interests of policemen alone, but in the public interest. If a man is absolutely disabled by illness from work after a certain age, it is presumed he is incapacitated from taking other employment, and certainly nothing should be done to induce him to hold office after the time fixed by law as that at which he ought to retire. As a matter of fact, men are sometimes retained in office after they are unfit to serve. But who suffers from that? The public, of course; and our object ought to be to get rid of a man immediately he is past work. If you do not give him an opportunity of taking public employment in this way you will have the Service retaining men beyond the period at which they are fit to work. This is really a question for the ratepayers.

(11.12.) MR. HUNTER: I hope the Government will remain firm. This is a clause similar to one contained in the Scotch Bill, and upon that clause the Scotch Committee was perfectly unanimous. It was felt that men in receipt of a pension at an early age ought not to be allowed to go into the labour market and compete with those who have not the advantage of receiving a pension.

*(11.13.) MR. KELLY: I wish to ask a question as to what is the present practice. Is a man deprived of a part of his pension if he chooses to work after he has earned it? Surely it is not so. Let the House just consider what it would be to deprive policemen of the power of earning further money. Could a policeman live on a pension of £39 a year. I venture to say he could do nothing of the kind. The hon. and learned Member for Aberdeen talked about policemen who had been pensioned going into the labour market, and so, with their pensions, being able, upon unfair terms, to compete with other labour. The right hon. Gentleman the Home Secretary, on the other hand, talked about policemen being utterly worn out before they obtained their pensions. I think both these views are more or less erroneous. Now, I can understand it being contended that the pensions have nothing of the character of deferred pay (though that seems to be a total mistake, as they are to have 2½ per cent. taken from their pay), that no pensions at all ought to be given, or that this should in no case be done until a man is unfit for service, but if you are going to give pensions, then I hold that they should be given unconditionally, and that they should not be used as a means of depriving the public of the service of the best and most trustworthy men that can be obtained for that large number of posts for which pensioned policemen would have especial qualifications.

(11.15.) MR. STOREY: I almost felt inclined to vote for this Amendment a little while ago, and I am not sure that I shall not do so now. I submit that if a pension is a matter of right, its enjoyment ought not to be restricted by any conditions such as these. There are many posts which pensioned policemen could well fill to the public advantage. I hold that the position of the Home Secretary is utterly illogical, and I shall satisfy my ancient grudge against him by voting for the Amendment of my hon. Friend the Member for Sheffield.

(11.17.) The House divided:—Ayes 146; Noes 51.—(Div. List, No. 229.)

(11.26.) MR. STOREY: I beg to move the Amendment which stands in my name——

*(11.26.) MR. LAFONE (Southwark, Bermondsey): I wish to ask, as a point of order, Mr. Speaker, whether it is respectful to the House that an hon. Member should put down so many Amendments on the Paper and not take the trouble to be in his place, leaving the Member for Sunderland to take them up, and entail a debate for upwards of an hour with the result that we are now only in the position we occupied when the Debate commenced.

*MR. SPEAKER: The hon. Member is in order.

MR. STOREY: This clause contains provisions as to service in more than one capacity. The first sub-section of the clause provides that when a person has served as a Civil Servant within the meaning of the Superannuation Act, 1887, and afterwards joins the police, he shall be entitled to reckon his entire period of service in both capacities for the purposes of a pension. I want to know from the Government why they have introduced this provision? We have just decided that if a policeman be pensioned, and then goes into the Civil Service, he must suffer some deprivation of pension should his salary exceed a given amount. Why should Civil Servants entering the police be entitled to reckon their service prior to joining the Force, for the purpose of pension? I should have thought it was quite sufficient to reckon the service in the Police Force without taking into account what a man has been before becoming a policeman. If we are going to give a man a pension for becoming a policeman we ought not to take into account his services in some other capacity. I submit that there is no earthly reason why the provision should be retained in the Bill, and I, therefore, beg to move that Sub-section 1 of Clause 14 be omitted, and that the time for which a policeman may claim a pension shall be only that period which he has served as a police officer in some Force in the United Kingdom.

Amendment proposed, in page 9, line 10, to leave out Sub-section (i.) of Clause 14.—(*Mr. Storey.*)

Question proposed, "That Sub-section (i.) of Clause 14 stand part of the Bill."

(11.30.) MR. MATTHEWS: The inconvenience of these discussions is illustrated on this point by a reference to what took place in Committee. There the matter was discussed and a compromise arrived at. The hon. Member did not honour us with his assistance in Committee, and now he raises an abstract objection. We have arrived at an equation between the years of Civil Service and Public Service. There are cases in which members of the Civil Service have done good service in the police, and have taken the new service only on the condition that their former years of service should not be wiped out. If you do not establish a ratio of service in the two Services you establish the strongest motive why a man should not accept service in the Police Force. The case has more frequently arisen in the Metropolis, where Commissioners and Assistant Commissioners, after being admirable Civil Servants, have become admirable police officers. In both capacities they have rendered great service, and it would be most undesirable to discourage distinguished Civil Servants who have acquired valuable experience from taking service in the police; and they would be discouraged if they were not allowed to reckon their service as Civil Servants in the computation for pensions. Taking the difference in the age of retirement from the Civil Service and the present proposal in this Bill, which, though not defining an age practically means retirement at from 46 to 50, we have arrived at the ratio as between service in either, and consider that four years in the Civil Service equals three years in the police. But all this was fully discussed in Committee, and I regret that it should be raised again.

*(11.33.) MR. PICKERSGILL: The right hon. Gentleman has repeatedly complained of raising in the House questions that have been discussed in Committee, but I do not think he has any right to make any such complaint As I am giving him general support in furthering the progress of the Bill, I I hope I may not be suspected of any ulterior motive when I remind the right hon. Gentleman that he was fairly warned from these Benches, and also from the Front Opposition Bench, that very little time would be saved by taking the course of referring the Bill to s Grand Committee. From the character of the Bill we anticipated that discussions would be re-opened in the House as they have been from either side. After the warning the Government had, I hope we may not again have these complaints.

(11.37.) The House divided:—Ayes 158, Noes 30.—(Div. List, No. 230.)

Amendment proposed, in page 9, line 12, to leave out the words "in England or Wales."—(*Mr. Secretary Matthews.*)

Question proposed, "That the words 'in England or Wales' stand part of the Bill."

(11.45.) MR. STOREY: I admit this is a formal Amendment, but I must say if a number of us had seen the Amendment in time, which the right hon. Gentleman suddenly proposed to Clause 4, which was not discussed in Committee, but accepted in Committee, we should have taken the opportunity to resist it at that time. As this is a consequential Amendment, and raises the same point, I may tell the right hon. Gentleman my point of objection. In Clause 4, as it originally stood, years of approved service by a constable in one Police Force in Great Britain should be reckoned as service on his joining another Force. It applied to Great Britain, and we did not make any objection, because the Police Force in Scotland is very much the same as in England. The Home Secretary has however, suddenly foisted on the ratepayers of Great Britain the Royal Irish Constabulary, the armed force which keeps the Irish people in order. I object that a force which is in no sense a police force, but which is simply a military force, kept for the purpose of dragooning the Irish people, should be placed on the same level as the purely civil forces of England and Scotland. I doubt not there are many decent men in the ranks of the Royal Irish Constabulary, but take them as a whole, they are more akin to a military than a civil force. Now, the hon. Member for Sheffield is presently going to move an Amendment that service in the Army and Navy shall be reckoned in computing pensions for policemen. Has he got the Government assent to that proposal? I understand that the Government are going to resist that Amendment to provide that service in the Army or the Navy should be reckoned. If this is the case, then with what consistency can they support the reckoning of the services of the Royal Irish Constabulary, which is much more like an army than a police force? We deeply regret that this fruitful source of discussion was not discovered on Clause 4; but, inasmuch as the same question now arises, it will be our duty to resist this Amendment. Holding our peculiar views—and intelligible views—of the constitution of the Royal Irish Constabulary the right hon. Gentlemen can hardly expect us to assent to all such members of that force who come over here being allowed to compete with our own people here for enhanced pensions. I shall take a Division against the Amendment.

*(11.48.) MR. BRUNNER: This proposal is exceedingly unfair to the Engiish police. A great many of us are looking forward to the time when there will be a very large exodus of the Constabulary from Ireland where their numbers are far beyond the requirements of a peaceful country——

*MR. SPEAKER: I do not think this discussion is in order. The point has been already settled. This is a consequential Amendment upon the decision the House has arrived at, and it is impossible for the hon. Member to raise the discussion again, as if it were a new question.

MR. STOREY: On the point of order, Sir, will you permit me to point out that the question settled upon Clause 4 was that years of approved service in any Police Force in Great Britain should be reckoned as approved service for a pension, but this practically raises the question of including Ireland.

*MR. SPEAKER: Clauses 4 and 14 raise practically the same question, and, indeed, I may remind the hon. Member that he began his speech by remarking that this was a formal and consequential Amendment. I thought the hon. Member was going to make a few remarks, and not to raise the whole question again. He would be clearly out of order in doing that.

(11.50.) The House divided:—Ayes 57; Noes 128.—(Div. List, No. 231.)

It being after Midnight, Further Proceeding on Consideration, as amended, stood adjourned.

Further Consideration, as amended, to be resumed to-morrow.

LOCAL REGISTRATION OF TITLE (IRELAND) BILL.—(No. 334.)

Order for Second Reading read, and discharged.

Bill withdrawn.

REGISTRATION OF ASSURANCES (IRELAND) BILL.—(No. 333.)

Order for Second Reading read, and discharged.

Bill withdrawn.

SUPPLY [16TH JULY] REPORT.

Order read, for resuming the Consideration of Postponed Resolution.

"That a sum, not exceeding £80,687, be granted to Her Majesty to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1891, for the Salaries and Expenses of the Office of the Irish Land Commission."

Question proposed, "That this House doth agree with the Committee in the said Resolution."

(12.6.) MR. DILLON (Mayo, E.): I think it necessary to avail myself of this opportunity of bringing under the notice of the House a matter in connection with the administration of the Purchase Department of the Land Commission in Ireland. It must be evident that the Purchase Department will rapidly become, if it has not already become, by far the more important part of the Commission. It is equally plain that it is a matter of the gravest possible importance, not only to the people of Ireland, but also to the taxpayers in this country, that the Irish Land Commission should be administered in a way that is above suspicion. In my judgment, the Land Purchase Department of the Commission is administered in a most unsatisfactory way. The law has been expounded in a contradictory sense by the two gentlemen who are at the head of the Department, and, as laid down by one of them, it leaves the gate wide open for the most monstrous frauds on the Exchequer of this country. The law as it is now administered leaves it open to the Irish Landlords who desire to sell their estates to compel tenants to pay grossly unjust prices for their holdings, and to undertake obligations they are utterly unable to discharge. I shall bring under the notice of the Government certain statements which have been furnished to me by local men, regarding the estate of the Marquess of Waterford; and, I guard myself by saying, I am not prepared to vouch for their accuracy. They are charges of the most serious character, and I say it is the business and duty of the Irish Executive to see that they are properly investigated. In most, if not in all, of the cases in which agreements to purchase have been signed by tenants on the Marquess of Waterford's estate, the tenants were in arrear with their rent. I hold that, no matter what the merits of a case may be, wherever there is the slightest suspicion of duress, the tenant should always be able, up to the last moment, to get out of his transaction. On December 23rd, 1888, Mr. Lynch heard some cases from this estate, and refused to allow the tenants to withdraw from their agreement. The purchases were, therefore, compulsorily concluded, and a number of the tenants have since made default in their payments, being quite unable to find the money. I hold in my hand a letter from a well-known and respected priest, in County Waterford, who says nearly all Lord Waterford's tenants, who purchased, were forced to buy at about 20 years' purchase, and some of them had not been able to pay a single instalment of their payments. He says that the holding of the defaulters has been put up for sale by the Land Commission, and has been bought in at a nominal figure "it is said for Lord Waterford himself." If that is true there was never a more monstrous fraud. The case can be summed up thus. A landlord coerces a tenant, through fear of eviction, to buy at an extravagant price. The tenant being unable to pay the instalment, the holding is put up for sale by the Land Commissioners. The sale is boycotted, or, in other words, the neighbouring tenants will not bid. The landlord then comes forward and buys in the holding at a nominal figure, and the State has to bear the loss. Say that the State has advanced £100 in respect of the holding. Of this sum the Commission hold £20 as the guarantee deposit, the landlord getting £80. When the farm is sold it

is bought in by the landlord, say for £50. The costs amount to about £10, so that the Land Commission get out of the whole transaction £60. The landlord, on the other hand, gets back the farm free of tenant right, and pockets £30 or £40 by the transaction. I think the Chief Secretary is bound to get up in this House and explain what flaw there is in my statement. The gate is wide open to these monstrous frauds. The information I have received shows that this very course of action I have indicated has been practised in more than one case on the Marquess of Waterford's estate, and, if the facts have not been correctly reported to me, the Chief Secretary is bound to explain whether it is a fact or not that it is possible to do such things in the Land Purchase Department, as the law stands; and if it is possible a more gross and shameful fraud on the Exchequer of this country was never perpetrated in the history of England. I wish now to draw attention to a most extraordinary case, which throws a lurid light on the proceedings of one of the members of the Land Commission, and constitutes a strong case for an inquiry into the administration and connections of Mr. Lynch. A certain estate in County Cork, belonging to Mr. Herbert O'Sullivan—formerly a butter merchant in Cork—was originally very much rackrented, the rental being £1,141. The Sub-Commissioners about two years ago reduced the rent—taking the whole estate—over 50 per cent. In spite of these immense reductions difficulties arose, and the tenants did not regularly pay their rents, and though it was sworn to in Court, and no attempt was made to deny it on the part of the landlord, that no combination had existed on the estate—that the Plan of Campaign had never existed on it, and that we agitators, on whose shoulders so much blame has been cast, had never operated there—so horrible had been the rack-renting that the tenants were unable to pay these reduced rents. Herbert O'Sullivan became a bankrupt, and the estate came into the hands of a Receiver, and it came out, in the course of negotiations for the sale of the estate, that the owner had refused £28,000 for it. After long negotiation the tenants signed an agreement to purchase the estate for £8,885, but the Land Purchase Department would only allow them to give £7,145. That conveys a most awful picture of the torture to which tenants have been subjected in the past. This case came before Judge Munro, of the Landed Estates Court, whom the Chief Secretary proposes as the head of the future Land Commission, and that learned Judge, after giving the history of the estate, said he would not accept the offer of the Land Commission, and he left the unfortunate tenants, over whom there are notices of eviction pending, in their present condition, subject to this enormous rent. In the course of the negotiations some very remarkable correspondence took place between a solicitor, named J. B. Lynch, the son of one of the Land Commissioners, and the Catholic curate of the parish, Father Twoomey. In one letter Mr. Lynch stated that the total price which they ought to receive from the tenant should be at least £13,000, and if the tenants agreed to this purchase, Father Twoomey would be accepted as tenant at a price much below the value of the property. The letter went on to state that if Father Twoomey negotiated the sale he would be allowed 5 per cent. on anything obtained over £13,000. That is to say, if they got £14,000, Father Twoomey would receive £50, and if they got £15,000, Father Twoomey would receive £100. A more indecent proposal was never brought before the House, and I say that the whole transaction assumes a grave and serious character when we remember that this sale would be carried out by the son of the man who has to decide on the ultimate carriage of the sale. I doubt whether it is decent or proper for a son of Mr. Lynch to practice in his father's Court at all; but when we find him trying to get Irish priests to induce the tenants to give a monstrous sum for an estate—and the valuation of the Land Commissioners themselves shows this to be a monstrous sum—I say it is an outrage, and calculated to give a rude shock to public confidence in this Commission, and, so far as Mr. Commissioner Lynch is concerned, it throws a doubt on his impartiality as between landlord and tenant in these transactions. The greatest possible responsibility is

thrown on these Purchase Commissioners, both as acting between landlord and tenant in Ireland, and acting for the good and the future peace of Ireland, and as guardians of the Treasury. It should be their aim to secure the country against further complications and difficulties in levying the instalments of this purchase money. I need hardly say that this clergyman I have referred to did not respond to the letters of Mr. Lynch. All he did with regard to them was to put them in the way of being made use of in order to expose the transaction. Mr. Lynch did not stop at this. In this way he furnished us with the first proof of the methods adopted in these cases, but on the 13th December last he wrote again saying that unless he received an answer before Christmas he would have the ejectment put in force against the tenants. That is the case with regard to O'Sullivan's estate, and I assert that the facts, which I have proved by documentary evidence, require some explanation, for they throw the greatest possible doubt on the *bonâ fides* of Mr. Lynch. I will add nothing to the bare, naked facts, or their result on the character of Mr. John P. Lynch, who, I understand, is the son of the Land Purchase Commissioner himself. I think Mr. J. P. Lynch is no credit either to himself or the profession he belongs to. I now come to the third point which I desire to bring before the House, and which, I believe, is the most important of all. It has reference to a recent judgment delivered by Mr. Commissioner M'Carthy concerning a most important question which arose in the administration of the Land Purchase Act. The cases which came before the Court were those of tenants on the Lansdowne Estate. A long list of agreements to purchase was brought before Mr. M'Carthy, and the point was whether new tenants should be substituted for the evicted tenants. Mr. M'Carthy laid it down that in administering the Act he was bound to consider its meaning and spirit and the purpose of the Legislature in passing it, and he held that the purpose of the Legislature was to apply a remedy to the evils existing in Ireland, and that no case could be made out for the Land Purchase Bill unless it was intended for the removal of grievances. Accordingly, Mr. M'Carthy refused to sanction the agreements. I regret to hear that we have not heard the last of these cases as yet, and that the influential position and great connections of the Marquess of Lansdowne will be used for a most unworthy purpose—namely, for the purpose of putting pressure on the Land Commissioners, overawing Mr. M'Carthy, and making him go back on the judgments he has delivered, and consenting to transactions which he has condemned as hostile to the spirit of the Act, and thoroughly subversive of the object of the Legislature. But there is another way in which this judgment can be reconsidered. About a fortnight after this judgment was delivered, a somewhat similar class of cases were brought before Mr. Commissioner Lynch, and he gave a decision which, to use the words of the *Daily Express*, was at right angles to the judgment of Mr. Commissioner M'Carthy. That judgment reversed the judgment of Mr. M'Carthy and laid down principles of law which are absolutely subversive and contradictory of the principles laid down by Mr. Commissioner M'Carthy. Mr. Lynch said that the Commissioners had no jurisdiction to rescind a contract entered into between landlord and tenant. I think everyone will say that that judgment is absolutely contradictory of the judgment given by Mr. M'Carthy. Let us consider the character of the cases in reference to which Mr. Commissioner Lynch laid down this principle of the law. Everyone in the House will agree with me that the principles laid down by Mr. Commissioner Lynch are absolutely intolerable, and at variance with the objects and purposes of the House of Commons when it passed the Land Purchase Act. The cases dealt with by Mr. Commissioner Lynch came from an estate in Westmeath, and the tenants were said to be tenants of large grazing tracts. Commissioner Lynch annulled the agreements of sale because, as he alleged, on inquiry, he discovered that the tenants, although represented to him as being in possession under yearly contract of tenancy, were in reality not in possession at all at the time the agreements were made. He stated it was on this ground that he had refused to sanction the sales, and that had the tenants been put

in *bonâ fide* possession, with stock of their own, he would have sanctioned the sale. I think the House is entitled to know which of these judgments can be accepted as the law in Ireland. It is a matter most vital to the future of the Purchase Act in Ireland and to any attempt to pass another Purchase Act. Mr. Commissioner Lynch distinctly laid it down that he refused the agreements on the ground that the tenants were not *bonâ fide* in occupation of their holdings. A more preposterous or monstrous fraud could not be conceived with regard to the intentions of the Legislature than the judgment of Mr. Commissioner Lynch. I believe that if the people of this country had understood the true nature of such transactions as that of which Mr. Commissioner Lynch has approved they would never have sanctioned the advance of 1s. more for the purchase of land in Ireland, and, therefore, it is of the most vital importance that the whole matter should be thoroughly investigated Unless the Government can see their way to make a distinct declaration in reference to this matter, it will be the duty of the Irish Members to denounce the whole of the Act throughout the length and breadth of Ireland. I think that those who were in favour of this policy of land purchase are acting unwisely in mixing it up with the eviction policy. It should not be made subservient to the evicting landlords of Ireland, or turned into a department of the Property Defence Association, as I think it is being rapidly turned into. I believe that a new Department is to be started in connection with the Land Commission, known as the Congested Districts Department. It is proposed to place Mr. Commissioner M'Carthy at the head of it. I am informed tnat this is a scheme to get Mr. Commissioner M'Carthy out of the way, and that a threat is to be held over his head that if he is not subservient to the landlords in these matters he will be transferred to some other Department. If pressure is to be put upon Mr. M'Carthy to reverse his judgment, it will be one of the greatest scandals that have ever disgraced modern administration in Ireland. I feel that the matters I have called attention to deserve careful investigation, and if they are disregarded a serious blow will be struck at public confidence in Ireland in the administration of the Land Department. If the Government adopt the view of the law laid down by Mr. Lynch, and lend the public money of this country for the purpose of aiding the landlords to sell their land, the last hope will be taken away of any peace or order in the disturbed districts of Ireland. I shall be sorry if the Government take any such course. The chances that the Government have of passing the Purchase Bill during the coming Session of Parliament will be very materially lessened if we are in a position to come before the country and the House, and prove that the Purchase Bill has been used for such nefarious purposes, which will be the means of creating and perpetrating disorder rather than of creating peace in the country.

(1.0.) THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): I think the hon. Gentleman through the greater part of his speech must have conceived himself to be addressing the House not on the Report of Supply but upon the Land Purchase Bill which was brought forward at an earlier stage of the Session. His observations went beyond any criticism, legitimate or illegitimate, of the proceedings of the Land Commission. Towards the end of the hon. Gentleman's remarks he endeavoured to extract, or I may say, he demanded, from the Government an expression of their legislative policy in the next Session of Parliament. I conceive I should be grossly out of order if I followed the line the hon. Gentleman has traced out for me to pursue. In the few remarks I have to make I will confine myself to those remarks of the hon. Member in which he dealt with the present action of the Land Commission rather than the future action of the Government. I wish to offer one observation to this effect, that if the hon. Member is afraid, as he professes to be afraid, that the Government desire to drive Mr. M'Carthy out of the Public Service because of a judgment he has delivered, then I would suggest to the

hon. Member and his friends that they should assist the Government in giving to Mr. M'Carthy and his Colleagues that fixity of tenure the Government desire to give them. The hon. Gentleman has alluded at great length to a statement made by Mr. M'Carthy upon the general principle which regulates his action as one of the Land Commissioners. I feel sure that the hon. Member has entirely misrepresented the views that Mr. M'Carthy holds. The hon. Member has attributed to Mr. M'Carthy the doctrine that within the four corners of the Act is to be found a provision which prevents public money being advanced to any tenancy created subsequent to the passing of the Act. I am perfectly certain that Mr. M'Carthy never uttered any judgment so wholly absurd and so wholly baseless, so utterly at variance with the judgment of his colleague, Mr. Lynch. Of course, if Mr. M'Carthy thinks and holds, as is probable, that bogus tenants should not be encouraged, he is right, and in that he would be supported by any Government, but to expand that doctrine into the absurd opinion that because a tenancy has been created since the passing of the Land Act, the tenant is not to be allowed money to purchase his holding, is not only a doctrine wholly inconsistent with the Act of Parliament, but to attribute to Mr. M'Carthy an opinion that he never for one moment entertained.

MR. DILLON: I did not say he entertained that opinion. I read out Mr. M'Carthy's statement. What I said was that Mr. M'Carthy claimed a discretion to refuse certain tenants on the ground which I read out, and Mr. Lynch said that no discretion existed.

MR. A. J. BALFOUR: I am quite sure Mr. Lynch never said the Land Commission is bound to advance money to bogus tenants, and I feel bound to protect Mr. M'Carthy from the imputation that he holds that public money ought not to be advanced to tenants whose tenancies have been created subsequent to the passing of the Act. Now, the hon. Gentleman has given us a large number of details, for the accuracy of which he did not vouch, in relation to Lord Waterford's estates. Though the report of this Vote has been pending for many days, the hon. Member has given me no notice of the subjects he intended to refer to, and it is, therefore, somewhat difficult to reply fully to the speech of the hon. Gentleman. It is said that certain sales on Lord Waterford's estate in 1888 were carried out when the tenants were under duress. But that point has been threshed out before the Land Commission, and proved to have no foundation. The terms of the sale were such that the tenants would have had 20 per cent. reduction on their rents. So there was no reason to doubt the rents would be paid in the form of an annuity. Next, complaint is made that Lord Waterford bought in certain farms at a nominal price when, in default of the purchasing tenants, they were put up for sale. The hon. Gentleman did not tell us, but I conceive the land was subject to the original annuity. Nor did the hon. Gentleman tell us that the land was boycotted by the neighbouring tenants. Then the hon. Gentleman brought forward the conduct of a Mr. Lynch in regard to the sale of the O'Sullivan property. But this has really no connection with the Vote. Mr. Lynch was alleged to have offered a certain Catholic curate a commission if he could induce the tenants to give 17 years' purchase. It is said that Mr. Lynch is a son of Commissioner Lynch; but Commissioner Lynch took no part in this matter, and, as a matter of fact, so far from the Land Commission having anything to do with this action of Mr. Lynch, the Land Commission subsequently refused to authorise the purchase at more than nine or 10 years' purchase. The incident merely shows that Mr. Lynch did the best for his employer, and Mr. Lynch, the Land Commissioner, did his best for the State. How this can be made the foundation for an indictment against the Land Commission I confess I utterly fail to see.

(1.14.) MR. SEXTON (Belfast, W.): I cannot agree that my hon. Friend has gone beyond the proper area of the subjects which may be debated on this Vote. As to the Waterford estate, the tenants were in arrear, and in cases in Ireland where the tenants are in arrear we cannot exercise too much caution in reference to the transactions of purchase, because when a tenant is in arrear

the landlord has a terrible force of compulsion in his hand for inducing the tenant to agree to his terms of purchase. If the tenant will not so agree his only alternative is eviction, which, to an Irish tenant, means ruin. In the case of the Waterford estate the tenants who were in arrear entered into agreements to purchase. They represented to the Land Commissioners that these agreements had been signed under duress, but the Land Commissioners, disregarding that intimation, insisted on carrying out the agreements, with the natural consequences of default, and in all such cases where the landlords or someone were able to purchase the farms at a nominal sum, the balance between the nominal price and the original purchase money remaining unpaid becomes a dead loss to the State. I submit to the Chief Secretary the gravity of the fact, because his Land Purchase Bill holds out three alternatives in case of default in payment of instalments; the State is either to manage the farm, or to re-let it, or to sell it. The story told by my hon. Friend shows how two of those may fail. Does the right hon. Gentleman mean to advance the proposition that a tenant being evicted from a farm because of his inability to pay his instalments, another purchaser can make it pay when he buys the land at a nominal price, plus the instalments? The suggestion is absurd. In the case my hon. Friend cited the tenants were in arrears, they were put under duress, and agreed to pay an excessive and impossible purchase price; they failed to keep up their instalments, the Land Commission could neither manage the farms nor let them, and so had to sell at a dead loss to the State. My hon. Friend, though he did not pledge himself to personal knowledge of the facts of the case—though when he has done that it has not availed him with this House—yet has every faith in the credibility of his informants. My hon. Friend has made out a case which is certainly deserving of a better answer than has been given by the right hon. Gentleman, and the matter is one which ought to be inquired into. With regard to the O'Sullivan estate——

MR. DEPUTY SPEAKER: With respect to that portion of the hon. Member for Mayo's speech, I listened in expectation of seeing the missing link to connect it with this Vote, but I cannot say that the hon. Member produces any link to connect it.

MR. SEXTON: It is rather embarrassing that a case which has been treated to an opening speech, and a speech in reply, now appears difficult of debate. I would submit that this John P. Lynch, who made this offer to the priest, is a solicitor now practising before the Land Commission, and that, therefore, it would be the duty of the Land Commission to restrain him from practising in that Court.

MR. A. J. BALFOUR: No.

MR. SEXTON: I say he made a corrupt and criminal offer to a priest.

MR. DEPUTY SPEAKER: I think this has not sufficient connection with the Vote.

MR. SEXTON: It is a function of the Land Commissioners to determine whether the solicitors practising before their Court are persons who ought to practise. But if you tell me, Sir, distinctly, I am not at liberty to pursue the subject, I will not do so.

MR. DEPUTY SPEAKER: I think it is not pertinent to the Vote.

MR. SEXTON: Very well, Sir. With regard to the conflicting judgments of Commissioners Lynch and M'Carthy, and I think no one who heard the contention of my hon. Friend can doubt there is such a conflict, I say the Chief Secretary has entirely evaded the issue, which is whether a certain class of bogus tenants are to be brought into farms after the eviction of the preceding tenants, for the purpose of enabling them to complete the transaction of purchase and enabling the landlord to dip his hands in the pocket of the State.

MR. A. J. BALFOUR: I said no bogus tenants should be allowed aid to purchase.

MR. SEXTON: Then it is a question what is a bogus tenant. Mr. Commissioner Lynch has said that where a contract of tenancy exists, the Purchase

Commission is not in a position to inquire further. But I say that is only the beginning of inquiry. The intention of this Parliament was to put an end to the evils arising from the impossible position in which tenants were placed, to emancipate them from the sway of the landlords. A vital question for the Land Commission to determine is whether or not a tenant who desires to enter into a contract of purchase is a *bonâ fide* agricultural tenant who lives by the cultivation of the land. In such a case Parliament has declared that the credit of the State shall be employed to assist him to purchase. But there are numerous cases in which landlords, having evicted their tenants, enter into contracts of purchase with new tenants who are not agricultural tenants in any sense, who are mere adventurers from towns in Ireland, who merely go into the farm and go through the form of contract with the landlord in order to enable the latter to pocket the money of the State. They pay no rent, they have no stock, for that is supplied by political associations, such as that with which the hon. Member for South Tyrone is connected; they engage to buy at an excessive price, and when the plunder is secured from the State and divided these bogus tenants disappear. It is difficult to reconcile the unwillingness of the right hon. Gentleman to give a frank reply to-night with the reception he gave a short time ago to a speech delivered in the House by my hon. Friend the Member for Cork. In that speech the hon. Member for Cork proposed a system of Courts of Arbitration in Ireland. I will not discuss that now, but I think I may say the right hon. Gentleman welcomed that proposal with effusion. Does the right hon. Gentleman not see that the establishment of such Courts of Arbitration, to determine in a reasonable and amicable manner disputes existing on estates where evictions have taken place, is at right angles with the policy that encourages the landlord to evict and then to bring in tenants upon whom he can impose any terms in order to secure the money of the State?

MR. A. J. BALFOUR: I never suggested anything like such a policy.

MR. SEXTON: No, the right hon. Gentlemen can be very prudent and taciturn upon occasion. But I say we have a right to know as between these Commissioners what view is to prevail. Mr. Commissioner Lynch holds that if there is a contract of tenancy the Commission can inquire no further in the matter, but that is only the beginning of the inquiry. Mr. Commissioner M'Carthy contends that they have a right to inquire what is the security to the State, and I say there can be no security to the State where a bogus tenant is allowed to purchase. If the policy of Mr. Lynch is allowed to prevail it will lead to bad results. It will give fatal stimulus to eviction, and the public opinion of Ireland will be considerably set against the whole policy of purchase. The public opinion of England will revolt against immense sums of Imperial money being advanced on such a doctrine as that laid down by Mr. Lynch. The Government are fond of taking credit for the success of the said Ashbourne Act. If the Ashbourne Act has been administered with safety to the State, it is due to the sagacity and prudence of Mr. Commissioner McCarthy, whose views secure a just balance between the claims of the landlord, the tenant, and the State.

(1.25.) Question put, and agreed to.

RIGHTS OF WAY (SCOTLAND) (No. 2) BILL.—(No. 216.)

Order for Second Reading read, and discharged.

Bill withdrawn.

CATHEDRAL CHURCHES BILL [LORDS]. (No. 186.)

Order for Second Reading read, and discharged.

Bill withdrawn.

It being after One of the clock, Mr. Deputy Speaker adjourned the House without Question put.

House adjourned at twenty-five minutes before Two o'clock.

HOUSE OF LORDS,

Tuesday, 5th August, 1890.

COMMITTEE OF SELECTION FOR STANDING COMMITTEES.

Report from, That the Committee have added the Lord Bramwell to the Standing Committee for General Bills for the consideration of the Tenants Compensation Bill. Read, and ordered to lie on the Table.

TRAMWAYS ORDER IN COUNCIL (IRELAND) (SOUTH CLARE RAILWAYS) BILL.—(No. 251.)

Order of yesterday referring the Bill to the Examiners, discharged.

METROPOLIS MANAGEMENT AND BUILDING ACTS AMENDMENT BILL, *now* METROPOLIS MANAGEMENT ACTS AMENDMENT BILL.—(No. 168.)

Reported from the Select Committee with Amendments, and committed to a Committee of the Whole House on Thursday next; and to be printed as amended. (No. 252.)

HOUSING OF THE WORKING CLASSES BILL.—(No. 220.)

Reported from the Standing Committee for Bills relating to Law, &c., with Amendments: The Report thereof received; Bill re-committed to a Committee of the Whole House on Thursday next; and to be printed as amended. (No. 253.)

TENANTS COMPENSATION BILL. (No. 240.)

Reported from the Standing Committee for General Bills, with Amendments: The Report thereof received; and Bill re-committed to a Committee of the Whole House on Thursday next; and to be printed as amended. (No. 254.)

METROPOLITAN HOSPITALS, &c. (No. 240.)

Message from the House of Commons for Report, &c., of the Select Committee of this House: Ordered to be communicated accordingly.

FACTORY AND WORKSHOP SANITATION BILL.

A Bill to make regulations for the better sanitation of factories and workshops. Was presented by the Lord Thring; read 1ª; and to be printed. (No. 256.)

LONDON STREETS (REMOVAL OF GATES) BILL.

*THE EARL OF WEMYSS: My Lords, I regret very much that I should have to trouble your Lordships for a few moments in reference to this Bill, at this stage. I regret that your Lordships did not follow the lead of my noble and learned Friend (Lord Bramwell), and reject this Bill at the Second, and if not at the Second, at the Third Reading. Because, my Lords, I think it would be a good thing to have rejected this Bill, coming as it did from this newly created London County Council without any Compensation Clause, whilst it takes away property rights which had been previously acknowledged. The County Council are very ambitious. They were, in the main, created to keep our sewers in proper order, and our streets well cleaned and lighted, but, in their ambition, they go in more for what is called *haute politique*, and they endeavour to bring in new principles of legislation, such as "betterment," besides endeavouring to take possession of the Corporate property of the London City Companies. And here, in a Bill which they bring in to clear away obstructions in the streets, they, as I have said, for the first time introduce a new principle, and bring in a Bill taking property without compensation. Well, my Lords, I think it would be useful, under those circumstances, if the Bill had been rejected either on the Second or on the Third Reading, but it appeared otherwise to your Lordships. The Prime Minister while favouring compensation thought the Bill should be read a second and a third time; so did the Opposition Bench, and the Chairman of Committees also was in favour of the Third Reading of the Bill, although he expressed an opinion in favour of considering a compensation clause. Nevertheless, notwithstanding all the arguments in favour of the Bill, the Third Reading was only carried by a majority of nine, and if we analyse the Division List we shall find it was practically mainly carried by the official

supporters of the present Government. It was under those circumstances that I ventured to ask your Lordships to take advantage of what I cannot but consider a very wise provision in your Lordships' Rules of Procedure, and take time to consider whether, there having been this strong feeling expressed with reference to compensation, you should not delay the further progress of the Bill, and introduce a Compensation Clause into it. It is acting upon what I believe to have been the feeling predominant, at any rate, in the House on that occasion, that this clause is now proposed. Well, I venture accordingly, merely as a mouthpiece of others, to propose that this clause should be introduced into the Bill. I doubt very much whether any clause ever came before your Lordships drawn and backed with the authority which attaches to this clause. I myself, I need not say, have had no hand in it. It is a clause which is accepted by those who are interested in the Bedford estates, and it was sent to me voluntarily, without any communication on my part, on Saturday last, by Lord Selborne. It is drawn by him, or drafted by him. It has, I think I may venture to say, the approval of the Lord Chancellor, and, after what the Prime Minister said after the Debate on the Third Reading the other night, I venture to think it meets also with the approval of the Prime Minister. Few clauses have ever come before your Lordships' House so drawn and so endorsed, and I think I may venture to submit it to your Lordships' favourable consideration. Here, my Lords, I should at once sit down, and simply move the clause, were it not that I would, with your Lordships' permission, say a very few words with reference to the position which this House occupies with regard to this great question of property rights. A short time ago I attended a public dinner, at which two very distinguished Americans were present—Mr. Hurlbert and Mr. Dudley Field. I may say that Mr. Dudley Field is certainly the finest specimens of humanity at 85 I have ever seen, and he is also the finest orator I ever heard—I except none. Those two gentleman spoke on that occasion, and I venture to bring before your Lordships what they said, as having a direct bearing upon this question, and upon all questions affecting property and liberty rights. Perhaps your Lordships, therefore, will allow me to quote what they said, and I hope that their language will not only have influence with your Lordships, but that it will be taken to heart by the nation, and also, perhaps, have influence in another place. Mr. Hurlbert said this:—

"The American Union is simply a union for the defence of liberty and property. I read with surprise in an address of Sir Frederick Bramwell that your British Parliament to-day is in the habit of enacting laws which wind up with this declaration—'Any contract to the contrary notwithstanding.' I can imagine nothing more amazing to Americans than that. One of the fundamental principles of the American Constitution is this: No State shall pass a law impairing the validity of contract."

Mr. Dudley Field followed, and said—

"Mr. Herbert has told you, and told you truly, that the foundation of American life and American Government is the sanctity of the home and the sanctity of contract. The State of New York, to which I belong, the proudest and most powerful of all the States in the Union, could not enact a law by which one dollar of rent could be taken from a landlord and given to any human being. We believe, and the majority of my countrymen believe, that Government was made, not to give property to anybody, but to protect everybody. To protect then and keep the peace is the duty of Governments. We call the other theory the "meddlesome theory." What right have you to interfere in my domestic concerns? You protect me, and I carve my own career for myself. It is that which we Americans consider our birthright. We hold these truths to be our birthright—that men are born equal, and that each man shall be left to judge for himself what is best in the pursuit of happiness for him."

Such a Bill then as this, taking away rights of property, could not, by any possibility, have passed through the American Legislature and become law, because you have the security in America of what is called the Supreme Court, and a written Constitution, in which the sanctity of contract is recognised as one of the main elements of freedom and liberty. If, then, the American Senate or Legislative Assembly, departing from the written letter of the Constitution in this respect, were to pass a law taking a dollar out of one man's pocket to put it into the pocket of another, the Supreme Court steps in, squashes, and sets aside any such measure. Contrast with that what has been going on in this country for the last 20 years. Why, there is

hardly a day on which the State does not interfere with somebody or other, either making, or breaking, or barring contracts, and you have, unfortunately, no such security as they have in the Supreme Court in America. There was a time when we resisted the extension of the Franchise, and what is called the Democraticising and Americanising of our institutions; but I now wish to Heaven our institutions were Americanised in the sense in which I have mentioned, which renders it impossible, owing to the existence of the Supreme Court, for such legislation as has been in fashion in this country for many years to be passed. There is hardly a newspaper in which you do not read, for instance, of the Crofters Commission meeting somewhere up in the north, in some out of the way place, that they reduced rents, say 30 per cent., and striking off, perhaps, 60 per cent. of arrears. But although we have no Supreme Court in this country, we have your Lordships' House. Practically, your Lordships' House is the only check at the present moment upon wild legislation, and against doing away with the rights of property. For, mind you, it is not merely a question of the Duke of Bedford, but the principle affects the small freeholder as well; it is a question affecting property of every sort or kind which anyone may have inherited or earned. Therefore it is that I hope your Lordships will take this strong position, and maintain it through thick and thin, that any Bill which comes to your Lordships, be it from what quarter it may, for the purpose of taking forcible possession of property, without compensation, will be rejected by your Lordships, or will be amended by your Lordships, putting into it a compensation clause. That is all that I invite your Lordships now to do. It is not to a very high level of ambition that I would wish your Lordships to rise. I would simply point out this, that although the County Council of London, as I have said, and I repeat it, have ignored the action of their predecessors, their predecessors, who, acting upon a *dictum* of the then Home Secretary as to compensation in this very case being needed, put into their Bill, introduced only five years ago, a Compensation Clause. All, then, that I am inviting your Lordships to do is to rise, as regards the defence of property rights, from the level of the London County Council to that of the late Metropolitan Board. I, therefore, beg to move the Clause which stands in my name; but there is just one very small omission in it to which I must call attention. That is, where the word "land" stands, "lands" ought to be read. It occurs in the first and last lines of the clause.

Moved, to insert at the end of Clause 4—

"Provided that if any lands shall be taken or injuriously affected by anything to be done under or by virtue of this Act, without the consent of the owner thereof, compensation shall be made for the same by the Council in the manner provided by the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, the provisions of which Acts, so far as relates to lands taken otherwise than by agreement and to compensation for lands injuriously affected, shall be deemed for that purpose to be incorporated with this Act."—(*The Earl of Wemyss.*)

LORD MONKSWELL: My Lords, I do not propose to follow the noble Earl on the Cross Benches into his disquisition of the rights of property. It would appear that the noble Earl has little confidence either in the tribune of this House or in that of the House of Commons, for he comes and tells us here that the unanimous opinion of the Committee was that property shall be taken away without compensation according to law, and that a majority of this House agreed with the Committees of the House of Commons and of your Lordships' House. Neither shall I follow the noble Earl into the disquisition on the sacred rights of contract, because, after all the legislation that has taken place I think the noble Earl lets light in upon the question in putting his views forward; and besides, that does not seem to me to be the question which is at present before the House. This is really a very serious matter, but it is, perhaps, more serious even than my noble Friend seems to imagine; for this proposal is made, as the noble Earl the Chairman of Committes stated, after the Bill has been read a third time, and after a decision has been arrived at upon the measure in the Committees of the House of Commons and of this House, although no new evidence has been adduced. That, as the noble Earl has stated, is a very unusual course, and there must be very

strong reasons indeed shown for taking such a course. But there is a great deal more than that. Let me ask your Lordships to consider what would be the effect of the reversal of those decisions of the Committees of both Houses. The effect would be this: It would be said that, by the action of your Lordships House, you would be imposing a burden upon the ratepayers of London, and a burden, mind you, for the benefit, if anybody is to be benefited, of the noble Duke who is a Member of this House; and it would be said you propose to do that by a Party majority in this House. Now, I should like this matter to be cleared up a little. What is the position as between the noble Duke and the leaseholders? The position taken up by the leaseholders before the Committee of your Lordships' House was this, that they are the only persons who in reality are damnified if anybody suffers damage, and that the Duke himself is benefited and not damnified by the removal of these bars if they are removed by the Legislature. Mr. Balfour Browne, who represented the leaseholders in this House, used these words:—

"The attitude of the Duke in the House of Commons was this—For myself I do not care; I am simply here to support my tenants; I do not suppose that the alteration in the character of this district would really materially affect the district supposing it was all turned into shops and if thoroughfares were made through it, for I dare say the Duke's rent at the end of the present tenancies would be higher than they are to-day."

Under those circumstances it is, at least, doubtful whether the Duke desires the passing of this clause as proposed; but I should like to get a distinct answer from the noble and learned Lord (Lord Bramwell) and also from the noble and learned Lord by his side, as to whether or not they consider the leaseholders would have any chance of obtaining compensation. I understand the view of the noble and learned Lord is that they would not; I do not know whether the noble and learned Lord agrees with him. If the noble and learned Lord and the noble and learned Earl both agree that it is only the Duke that can get compensation, and not the leaseholders, I think they will find it exceedingly difficult to persuade the people of London that it is a just thing that the Duke of Bedford, who is not damnified at all, and certainly much less than his tenants, if there is any damage done, should get compensation, and that those tenants should not get a penny of compensation. You are asking compensation, then, only for the noble Duke the Duke of Bedford. Very well, but the Duke of Bedford himself asked for no compensation before the Committee of your Lordships' House; he was content with the decision of the House of Commons, and I think the Duke of Bedford was exceedingly well advised to be content with that decision. I do not know whether your Lordships quite understand the feeling of the ratepayers of London in this matter. I belong to that much-abused body which the noble Earl has talked about, the London County Council. I represent on the Council a certain body of ratepayers, and I am in the habit of coming into contact with other members of that body who represent other ratepayers of London; and I can say that, whether rightly or wrongly, the opinion in the mind of the average ratepayer is this—that the Duke of Bedford and other ground landlords have been obtaining, for many years, a very unjust and inequitable advantage out of the rates. It is said by the ratepayers of the County of London that the Duke of Bedford and other large landlords have had their property very largely increased in value, not owing to any money they have themselves expended upon the property, or not entirely owing to expenditure of their own upon it, but really owing to the money which has been subscribed by the ratepayers in furtherance of Metropolitan improvements. It does seem to me that the Duke of Bedford does not care to come to your Lordships' House to ask for compensation. It is the most extraordinary thing in the world that your Lordships should be asked to set aside the decisions of both Committees in favour of this noble Duke, who says himself he does not want compensation, and who, very likely, will not obtain compension even if this clause is carried. There is just one observation which I should like to add in the name of the County Council. The noble Lord on the Cross Benches has said something about the action of the County Council, and I should like to say one word to the noble Lord in regard to the action of the Liberty

and Property Defence League, of which he is such a pillar. It seems to me that, by pressing the rights of property far beyond anything which public opinion is likely to endorse, they are paving the way for radical reforms in the future which they would consider of a confiscatory nature. I can only once more entreat your Lordships not, at this stage of the Bill, to put in a Compensation Clause, giving compensation to the noble Duke for which he has not himself asked.

*THE MARQUESS OF SALISBURY: My Lords, I do not understand that this clause gives any right to compensation to anybody, but only a right to go before a jury and ask whether there is to be compensation paid or not, and if the jury says they think the parties have a right to compensation they will fix the amount. I do not see that the right to compensation becomes less clear because the party who goes to the jury happens to be the Duke of Bedford, and possesses a great deal of other property, or that it will then be affected because he happens not to have pressed his claims before this House. But, in truth, I think this clause will have very little practical effect; but I can quite understand the force of the observation which was made by my noble Friend the other night, that it is undesirable to sanction the principle, even in a small matter, that property may be taken away without giving the ordinary right to obtain compensation, which is given in every other case. The amount of land to be taken will be extremely small, probably only that which is under the gates; but you do take the land, and whenever you do take land compulsorily it is your habit to incorporate the Lands Clauses Act of 1845 in the Bill which takes it. The Land Clauses Act gives no right to compensation, it simply gives a right to the parties to go before the ordinary tribunals of the land to inquire whether compensation should be paid. Therefore, merely as a matter of principle it seems to me that the case for inserting the clause is complete. I confess that my feeling in favour of the clause is rather strengthened by the speech to which we have just listened. I cannot help feeling that if a Representative of the County Council in this House shows such warmth in resisting in a Bill of this description a provision which is merely one of principle, and which will practically leave no burden whatever on the rates, there must be some design which we do not see in the particular mode in which this Bill has been introduced into Parliament. I cannot help thinking that there are members of the County Council who hope that if we do pass a Bill, without taking the ordinary precaution to insert a clause with regard to compensation, in this small matter, in cases where larger sums are concerned the precedent will work against the owners of property. That, I confess, makes me think that, on the whole, it would be better that we should adhere to the ordinary Parliamentary practice in this case; that it does not matter two straws whether the Duke of Bedford has asked for it, or not; that what we have to do with in this matter is the Parliamentary practice; and that Parliamentary practice demands that we should follow the usual course, and insert this clause.

LORD HERSCHELL: My Lords, I cannot agree with the view which the noble Marquess has suggested to your Lordships. If we were proposing now to deal with a Bill which was under consideration for the first time in your Lordships' House, which had not been considered by a Committee of this House, and by a Committee of the other House, and passed by the other House, the case might be different; but I would ask your Lordships to consider the aspect which this case will wear if the course proposed by the noble Earl is followed. It will appear that—after a case has been considered in the other House by a Committee who unanimously came to the conclusion that it was not necessary to insert a Compensation Clause, the noble Duke, who is said to be the only person interested, having been represented before them, when the Committee of your Lordships' House by whom it was considered came to the conclusion that there should be no Compensation Clause—by doing what has never, so far as I know, been done before between the Third Reading and the passing of the Bill, your Lordships are willing to insert such a clause in favour of a Member of this House. By doing such a thing as this, it would seem that, on behalf of a Member of your Lordships' House, and for his benefit, you

are taking a course which is absolutely unprecedented, and altering this Bill in a manner which will make it inconsistent with the views which have been taken by the other House, and by a Committee of your Lordships' House. I cannot think that such a course is likely to raise either the credit or character of your Lordships' House. I do not say that the imputations which are likely to be cast upon it will necessarily be just; but I am quite certain that if your Lordships take this course it will give rise to observations with regard to the action of your Lordships' House which those who are concerned for its credit and character and reputation would much rather not hear, because they would be unable to avoid the feeling that there is, at all events, some foundation for it. Now, I agree that this question may be said, as it has been put by the noble Marquess opposite, to be a question of principle; but is there any question of principle necessarily involved here? Are you wronging anybody when, there being only one person to whom this clause will apply, that person, having presented his case in the House of Commons, has been content not to petition your Lordships' House, or to suggest here that he has any claim to compensation? Where is the serious interference with the rights of property that is complained of, because you do not put in a special clause for compensating a person who has not suggested that he is entitled to such compensation, or that he has any desire for the insertion of such a clause? I confess I am at a loss to see how the non-insertion of such a clause in this extraordinary and unusual way would be a serious interference with the rights of property. I am certain that, such a clause not being there, if the persons concerned desired that it should be inserted they would bring the matter before your Lordships' House, and suggest that such a clause should be inserted. Where they do not take that course, then surely it is wantonly and unnecessarily putting this House in conflict with the action of the other House to take the course proposed at this late and unprecedented stage. On the other hand, I certainly fail to see how your Lordships not taking that course, is likely to inflict harm upon anyone, either at the present time or in the future.

Lord Herschell

*THE LORD CHANCELLOR: As far as the question of precedent is concerned I can remind my noble and learned Friend of one instance in which I had a personally painful experience of a similar course being pursued after the Third Reading of the Land Transfer Bill, when, upon the Motion that the Bill do now pass, the House was adjourned for the purpose of inserting an Amendment.

LORD HERSCHELL: I did not mean putting in any Amendment. I meant putting in a Compensation Clause of this kind in a private Bill.

*THE LORD CHANCELLOR: I thought my noble and learned Friend said there was no instance of such a course having been taken as far as the practice of the House goes. I misunderstood him; but that that did occur your Lordships will remember, and a new clause was ultimately put in upon the Motion that the Bill do now pass. I only rise for the purpose of setting right what I think is a misapprehension on that point. As I am addressing your Lordships I cannot help noticing the disguised menace, which is really the only argument brought forward by both the noble Lords who have addressed the House. What is the meaning of their continually saying, "This is a very awkward thing; this will expose you to a conflict with the other House and with the ratepayers," and so forth? If the thing is right, I trust your Lordships will have the courage to do it. If it be wrong let it be shown to be wrong, but I trust your Lordships will not yield to that sort of indirect menace that you must not do it because the ratepayers will be angry.

*THE EARL OF SELBORNE: My Lords, the noble Lord who moved this Amendment mentioned truly that, as far as the form goes, I am responsible for that form. I am willing also to be responsible for the substance, for it does appear to me that the principles which have been appealed to in this discussion are of much greater importance than the immediate question involved. What does the Amendment propose? Merely that that rule, and exactly that rule, shall be applied to this case which, as far as I know, has always been applied to every other case of the same kind. If land belonging to a private

person is taken and injuriously affected, and those words have been construed by innumerable decisions under powers of this kind, for the public benefit, that land has to be paid for if the owner does not consent. That there is any reason why a difference should be made in favour of a permanent Public Body of the character of the London County Council is not to me obvious. On the contrary, I think that the power and permanence and great respectability of that body appear to me to constitute additional reasons why no new precedent infringing on the right of individuals to be compensated for property taken compulsorily from them should be made in its favour. It has been said by my noble and learned Friend on the Front Bench that such a clause as that now moved has not before been put in at this stage of a Bill which has passed without it in the other House, and through a Committee of this House. The answer is, that there has never before been occasion to do so. I quite agree that before putting in such a clause we should seriously and carefully consider whether the principles of justice require it. But I am perfectly certain that no such Bill as this, taking away private property for a public purpose, private property which upon the hypothesis is taken or injuriously affected within the meaning of the Land Clauses Act, has ever been passed before, and the fact of this Bill having passed the House of Commons would, in my opinion, go no further than to make it probable that the Committee of the House of Commons may not have thoroughly appreciated the step which it was proposed to take. And I can well understand that that might have happened there, as I have no doubt it happened in the Committee of your Lordships' House, from the position which the freeholder, in my view the only person who would come within those words, appears to have taken there. The freeholder appeared to oppose in the House of Commons; he did not appear to oppose here. But opposing the passing of the Bill is one thing, and waiving, or relinquishing, or consenting to give up a right to compensation, to which he would otherwise have been entitled, is another thing. I quite agree that, in these circumstances, and parties whom I assume not to be entitled to compensation having appeared to oppose before the Committees of both Houses, the attention of the Committee was rather directed to the position of these parties than to the principle involved as to the freeholder, who may possibly have thought he had a right to rely upon the ordinary course being taken, and that it would be taken. On the other hand, in favour of the Committees, I am quite disposed to admit this, that they may have misunderstood tle position of the freeholder, and have supposed him to waive what, as far as I can see, there is no evidence whatever of his waiving, that is to say, his right to compensation. I cast no blame upon the Committee, if that was the view which they took; on the contrary, I have myself found in this state of circumstances a sufficient reason for not rejecting the Bill on the Third Reading. But upon the present Motion the question is different; and I do think that in such a case nothing less than the consent of the party interested ought to preclude him from claiming compensation, and it has not been made out to my satisfaction that there has been a deliberate relinquishment of the claim. If there was, and if that can be shown, no doubt, no claim will be made under this clause; but as far as the principle is concerned, it does seem to me that without proof of consent, without some less equivocal proof of waiver, it would be a very dangerous and a very unsafe thing not to introduce a clause which would enable a person whose land may be taken, or injuriously affected, if he has not consented, and if he does not consent, to claim in the ordinary way in which, as far as I know, every such person has always been held to be entitled to claim under every Bill giving compulsory powers which has hitherto passed. And, my Lords, I must also say that neither the humble estate nor the high estate, neither the poverty nor the wealth of the private person affected, ought, in my judgment, to induce your Lordships to depart from whatever may be the proper principle and proper method of dealing with this question.

LORD HERSCHELL: I do not know whether I may do so now, but I propose

to add some words to this Amendment. The words which I propose to add will have the effect of providiug that the words "injuriously affected" shall have the same meaning in this Bill as they have in the Lands Clauses Act.

*THE EARL OF SELBORNE: I cannot imagine how any doubt could possibly be entertained on the subject, but as far as I am concerned by all means let those words be added; I have no objection.

LORD HERSCHELL: It has been suggested that some doubt might arise owing to the manner of assessing the compensation.

Moved to add at the end of the proposed Amendment the words: "that the words 'injuriously affected' shall have the same meaning as in the said Act."

On Question, "That those words be added to the proposed Amendment," agreed to.

On Question, "Whether to agree to the said Amendment as amended," their Lordships divided:—Contents 56; Non-contents 18.

Resolved in the affirmative; Bill passed, and returned to the Commons.

ELECTRIC LIGHTING PROVISIONAL ORDERS CONFIRMATION (No. 15) BILL.

House in Committee (according to order).

*THE SECRETARY TO THE BOARD OF TRADE (Lord BALFOUR OF BURLEIGH): My Lords, the amendments which stand in my name are to the two Orders which affect the City of London, and are little more than drafting Amendments. As they are matters of agreement, I think I need say no more about them. With regard to the Amendments standing in the name of the noble Lord opposite, those I shall be glad to adopt, with some verbal alterations which the promoters and other parties have agreed to. This Bill, as far as this particular Order is concerned, was the first opposed when the Order was made sending it to a Committee. Since that time an agreement has been come to between the parties concerned, the Corporation of the City of London, and the London County Council. Therefore, if your Lordships will now accept the Amendments which are on the Paper, there is every prospect that the Orders in question will pass through this House and the other House as matters of agreement. Under these circumstances, I beg to move the Amendments which stand in my own name, and in the name of the noble Lord opposite.

Amendments made.

*LORD BALFOUR OF BURLEIGH: Owing to the advanced period of the Session, it is necessary to ask your Lordships for some indulgence in regard to this Bill. If your Lordships consent to suspend the Standing Order, I propose to pass the Bill through its other stages this afternoon, in order that there may be a reasonable prospect of its passing through the other House of Parliament. Ample opportunity will be given to any one who desires to object within the number of days which have necessarily to expire; but unless this be agreed to there is grave fear that what I believe to be practicable now will be lost through lapse of time. I hope under those circumstances your Lordships will agree to the suspension of the Standing Orders.

Standing Order No. XXXIX, considered (according to order), and dispensed with: Amendments reported: Bill read 3ª, and passed, and sent to the Commons.

PILOTAGE PROVISIONAL ORDERS (No. 1) BILL.

PILOTAGE PROVISIONAL ORDERS (No. 2) BILL.

*LORD BALFOUR OF BURLEIGH: My Lords, these Bills, which are for confirming certain Orders under the Pilotage Act of last year, are the first which have been brought before Parliament under the Act. The circumstances under which I ask for a suspension of the Sessional Order are these. The Bills under which the Orders are made only came into force on the 1st January last year. The Local Authority required some time to consider whether they would apply for the Provisional Order, and when they did so the Board of Trade agreed to give it to them. Every possible expedition has been used to get the Bills ready for your Lordships, but, owing to the provisions of the Act, which make it necessary that a period of six weeks should elapse between certain stages

of the Provisional Orders before they can be presented to Parliament, the time passed away, and the Orders could not come before Parliament sooner than they do. The first Bill refers to the Firth of Clyde, and the pilotage upon the Firth of Clyde, and is absolutely unopposed. It passed through the House of Commons absolutely unopposed. The second Bill refers to the port of Bristol, and that I believe also is now absolutely unopposed. There was opposition before the Committee of the House of Commons, but the Committee unanimously confirmed the Bill, after some two hours' discussion. Under those circumstances, I hope your Lordships will consent to the Standing Order being suspended.

Moved—

"That the Sessional Order of the 10th of March last, 'That no Bill brought from the House of Commons confirming any Provisional Order or Provisional Certificate shall be read a second time after Friday, the 27th day of June next,' be dispensed with, and that the Bills be read 2ª."—(*Lord Balfour of Burleigh.*)

THE EARL OF MORLEY: The noble Lord has certainly justified his Department so far in making out that they have lost no time in bringing these Orders before the House; but I think it would have been, under the circumstances, better if the Orders had been suspended for another year, considering that we have now arrived at the 5th of August, and that the Bills ought to have been presented more than six weeks ago. If the Bills are opposed I think it is very doubtful whether your Lordships should suspend the Standing Order, although if my noble Friend can assure the House there is no opposition to the Bills I should not oppose them.

*LORD BALFOUR OF BURLEIGH: I cannot, of course, give an absolute answer that there is no opposition. That can only be decided by lapse of the time for petitioning. I think the time for petitioning with regard to No. 2 Bill will not have expired until 3 o'clock on Thursday. With regard to No. 1 Bill, that is absolutely unopposed, for the time expired at 1 o'clock to-day.

THE EARL OF MORLEY: Then would it not be better to postpone the second Bill until Thursday's sitting?

*LORD BALFOUR OF BURLEIGH: Under the circumstances, I will not move the suspension with regard to No. 2 Bill to-day, but I hope the House will remember that it is not a new application if my name appears again on Thursday as moving for the suspension of the Standing Order. I move that the Order be suspended in regard to Pilotage Bill No. 1, and it be read a second time.

Motion withdrawn as applying to the second Bill, and agreed to as the first Bill.

Bill No. 1 read 2ª, and committed to a Committee of the whole House on Thursday next.

ALDERSHOT ROADS BILL.—(No. 219.)

Amendment reported (according to order); and Bill to be read 3ª on Thursday next.

COMPANIES (WINDING-UP) BILL. (No. 229.)

Read 3ª (according to order), with the Amendments.

*LORD BALFOUR OF BURLEIGH: There are some Amendments in my name, but with one exception they are purely draftsman's Amendments; that one is upon Clause 8, page 7, the exact words of which were objected to by my noble Friend on the previous stage of the Bill under what I have since become satisfied was a misconception, as the words under Sub-section 2, Clause 3, are sufficient to meet their purpose. Under those circumstances, I move that the Amendment be inserted.

Further Amendments made; Bill passed, and returned to the Commons.

PUBLIC LIBRARIES ACTS AMENDMENT BILL.—(No. 205.)

Amendment reported (according to order).

*LORD HOUGHTON: Your Lordships may, perhaps, remember that in the previous stage of this Bill, Clause 8, which deals with the power of ecclesiastical, parochial, and charitable bodies to convey land for purposes connected with the Public Libraries Act, was seriously assailed, and, in deference to the suggestion of the noble Marquess opposite, I withdrew it, and said I would bring it up in another form of the Report. I have brought up the clause in a form which, I think, will meet the objections then raised; but there are two points

upon which I should like to say a word to your Lordships. One of my noble Friends behind me took a general objection to the power of such Public Bodies to give land, although not to their power of selling or exchanging of it. Well, as regards the word "gift," I am informed that in several other Acts, such as the Schools Sites Act of 1841, the Literary and Scientific Institutions Act of 1854, and the Places of Worship Sites Act, 1873, a power of gift is found in each of those measures; and if land can be given for such a purpose as a literary institution it is difficult to see why it should not be given for the purpose of a public library. The other point was with regard to the application of the money derived from such land. My noble Friend behind me has suggested an Amendment in the last paragraph, to which I shall be very glad to agree, namely, that the money derived from the sale of the land shall be applied to the purposes of the Trust, and not as here stated. My noble Friend, Lord Meath, who is not present, brought up on a former stage an Amendment with reference to open spaces; he was anxious that no land which had been set aside for the purpose of being preserved as an open space should come under the operation of this clause. Upon that I have only to say that if he, or my noble Friend Lord Thring, who I believe had charge of the matter in his absence, will bring up an Amendment to that effect at the next stage of the Bill, on the understanding that its provisions should only apply to the Metropolis, or very large towns, I should not offer any objection to such an Amendment.

Moved, after Clause 7, to insert the following new clause—

8. "Any person holding land for ecclesiastical, parochial, or charitable purposes, may, subject as herein-after provided, grant, convey, or enfranchise, by way of gift, sale, or exchange for any of the purposes of the Libraries Acts, any quantity of such land not exceeding in any one case one acre in any manner vested in such person. Provided that no ecclesiastical property shall be granted or conveyed for such purposes without the consent of the Ecclesiastical Commissioners for England; that no parochial property shall be so granted or conveyed save by the Guardians of the Poor Law Union compromising the parish to which the property belongs, or without the consent of the Local Government Board; and that no other charitable property shall be so granted or conveyed without the consent of the Charitable Commissioners; and the said Board and Commissioners respectively shall provide for the application of the money derived from the sale of any land with their consent under this section, regard being had to the purposes for which such land was held. Any land granted or conveyed to any library authority under this section may be held by such authority without any licence in mortmain."—(*The Lord Houghton.*)

THE EARL OF KIMBERLEY: My Lords, I am quite satisfied with what my noble Friend has said with regard to gifts, and as there are precedents with regard to gifts in analogous cases I shall certainly not press my Amendment. The other point to which I would call attention, is that the words after

"Said Boards and Commissioners respectively, provided that the application of such moneys derived from the sale of land under this Section regard being had to the purposes for which such land is taken,"

should be omitted, and the words

"Land taken in exchange, or money received from such sale shall be held on the same trusts as the land exchanged or sold"

should be inserted. I cannot see why there should be any difference made in the application of the money received from those portions of land to the purposes of the Trusts on which the land is held. I, therefore, beg leave to move that Amendment.

On Question agreed to, Bill to be read 3ª on Thursday next.

DIRECTORS' LIABILITY BILL.

(No. 242.)

House in Committee (on re-commitment) (according to Order).

Clause 3.

*THE LORD CHANCELLOR: Upon this clause with regard to liability for statements in a prospectus, I have to move to omit lines 10 to 15, on page 2. That question arises in this form. The Bill has provided for the liability of Directors in respect of untrue statements made in a prospectus, which, presumably, upon the theory of the Bill, they are responsible for composing and issuing. It throws upon them the necessity of showing affirmatively that they believed, at all events, in the statements put forward by them. But, besides that, the Bill proposes to make a Director liable under circumstances which I will mention in a moment, for any statement which, in fact, is untrue in the report of any

expert, whether the expert be an engineer, accountant, valuer, or what not. Now, I think it would be quite fair that a Director should be called upon to show that he had made a fair extract from or had correctly copied the report or valuation of an engineer, valuer, accountant, or other expert. That, of course, is a matter within his own knowledge, and it is a matter with regard to which he may be justly expected to be careful in what he puts before the public; but this Bill goes further, The Bill calls upon him to show affirmatively, and, in the first instance, without any evidence being called, that he did not himself do it; that he believed the statement which was made; that the valuer or expert was competent; because that is the only interpretation that I can give to the phrase "*bonâ fide*." Now, if I am to suppose that this is a conspiracy between the engineer, valuer, or accountant, and the Director, the law reaches that at present. That would be a fraud. Therefore, what this Bill does is this: the hypothesis of its necessity assumes that the Director is not in fraudulent conspiracy with the engineer or valuer, because that is reached by the law as it stands at present, but it says that he is, in the first instance, without any foundation being made to call upon him for it, to be called upon to show, in the words of the Bill—

"That he had reasonable grounds for believing that it was a correct or fair copy of or extract from the Report or valuation, and that he had reasonable ground for believing, and did, up to the time of the allotment, believe that the statement, Report, or valuation was made in good faith by the person by whom it was purported to be made."

That is, that he believes that the person who made it did himself believe it. Now, this is the first time in any legislation, as far as I am aware, in which Parliament has called upon a man to answer, not only from his own belief, but to state that he believes that some other person believed something, and not only that, but that he believed the person who believed that something, and made the statement about it, was competent to make it. I do not understand upon what ground it is supposed that a Director should be called upon to prove that rather than that the person who, by the hypothesis, has taken the shares upon the faith of the statements, should exercise his belief in regard to their untruth. It must, by the clause itself, be a fair copy or representation of what the engineer or valuer has said, and why on earth the Director is, more than the person who has taken the shares, to be called upon to exercise that belief, and that he should, in the first instance, satisfy a jury that he did believe the valuer was competent, and that he did make the valuation or Report in good faith I cannot understand. With reference to a statement which was made by the Director himself, and upon his own authority, in a prospectus, if he put his name to it, I quite agree that it is not unreasonable to say that if, as a matter of fact, an untruth is found in it, the issue may be changed, and that he may be called upon to show that it is either true or that he believed it to be true. That I can understand; but I do not understand why, when a Director says, as he impliedly does say by extract from or giving a copy of the valuation or accountant's Report:—"I, myself, have no knowledge of this, but I give you what the expert to whom I have applied says about it, and you must inquire for yourselves what the value of that expert's opinion is, what his reputation is among the set of valuers or accountants among whom he practises, and you must form your own judgment upon it," he is to be called upon to pledge his belief to the competency of that expert, and to the expert's own belief in the truth of the statements. All the Director says, and all I think he ought to be called upon to say, is—"This is an extract from," or "This is the valuers' opinion," but this Bill throws upon him not only the onus in respect of statements which he has made himself, but calls upon him to show, if anybody chooses to bring an action against him, that he believed the valuer did believe in good faith, and that the valuer was a competent valuer. It seems to me both unreasonable and improper that you should call upon a Director to do that, and for that reason I move to omit the clause.

Amendment moved, in Clause 3, page 2, lines 10 to 15, to leave out—

("And that he had reasonable ground for believing, and did up to the time of the allotment of the shares, debentures, or debenture

stock, as the case may be, believe, that the statement, report, or valuation was made in good faith by the person by whom it purports to have been made, and that the person making it was competent to make it; and")—(*The Lord Chancellor.*)

LORD HERSCHELL: This matter was fully discussed in Committee, and the view taken by the Committee was not that of my noble and learned Friend on the Woolsack. I imagine it will be considered here as free from those Party considerations which divide us as it was there. I cannot consent to the proposal of my noble and learned Friend. It seems to me to strike an absolutely fatal blow at this Bill. I believe if this Amendment were agreed to it would increase the mischiefs which exist rather than diminish them, as I hope to show your Lordships in a moment or two. My noble and learned Friend has dwelt upon a good many things concerning this clause, and has asked why you should not call upon a man to prove this, that, and the other; but he has not laid any stress upon this: that you have to prove that the person whom you see has issued an untrue statement in order to get money from the public who subscribed upon the faith of the untrue statement, that they acted upon that untrue statement, that they had been deceived by it, that they had lost their money in consequence of it. That you have to prove, and then my noble and learned Friend says, "Why are you not content with that? Why should you throw any onus on the man who has issued an untrue statement to the public, and got money out of them upon the strength of it?" For myself, I think that is a reason for saying that you should throw the onus on the man who has issued that untrue statement to the public. Then my noble and learned Friend says it is enough if the Director gives the name of a valuer or engineer who is of any kind of reputation. The proposition which my noble and learned Friend seems to lay down is this, that a man has a right to issue to the public a false statement, because that false statement is vouched for by someone of reputation in his profession, no matter how incompetent or how absolutely unfit to deal with the matter he may be; that the Director who issues it has a right to issue it without caring or troubling himself in the least as to the competency of the expert he has employed, to put it before the public as a thing they may rely upon, and then to say, "Though I had no reasonable ground to believe the man whom I employed was a competent man, though I put forward a false statement which he made, I shall be under no law." Now, just consider all this clause asks of him. It not only asks that he shall believe the statement which the expert made, but it says, "You who employed him shall show that you had reasonable ground to believe that he was a competent man." If he has employed the man, and put his statement before the public to induce them to part with their money, if he has induced them to act upon that man's statement, is it too much to ask that that man should show that he had reasonable ground to believe the person he employed was competent? What easier than to prove it in nine cases out of ten, if the man is really a competent man? But consider for a moment what would be the result if the proposal of my noble and learned Friend is adopted. I submit that this will be the result: that those who are going to launch companies before the public will be able to show that they employed an expert, and there will soon grow up a particular class of experts, who will be easily got to make such Reports. My noble and learned Friend talks of the proof being given by the person who has taken the shares. But it is known perfectly well to him that many things cannot be proved. You may have your suspicion that the man has gone to this, that, or the other person to get a Report, without troubling himself to ascertain whether the person to whom he went was a man on whom he could rely; but proof in these cases is very difficult; and the result of my noble and learned Friend's proposal will be that you will have less examination as to whether Reports have been made by fit persons, because you will positively put a premium upon Directors going to a man who is likely to make loose statements and favourable statements which may be desired; and if a Director goes to such a man he will know that he is no more liable than if he had employed the most competent valuer or engineer in the country; whereas here there is an advantage conferred upon a man if he goes to a person of known competency,

because there will be no such likelihood of his making loose or inaccurate statements. This is really putting a premium upon Directors and Promoters—for it is the Promoters especially I am thinking of—going to men of but little competence, repute, and skill, and it would act in the opposite direction to that desired by those who are promoting this Bill, and by a large body of the public. It seems to me that if this Amendment be adopted it will strike a fatal blow at the Bill, and will make the condition of things worse than it is at present.

*LORD MORRIS: As I proposed this identical Amendment in the Standing Committee on Law, I would ask your Lordships' indulgence while I make a few short observations upon it. It is quite true, as my noble and learned Friend opposite said, that my Amendment was rejected, but it was rejected by only a majority of one, and at a time when there was only a very small attendance, if my recollection is accurate, upon the Committee—seven noble Lords voted for the Amendments, and eight voted against them.

*THE LORD CHANCELLOR: The Committee consisting of 45.

*LORD MORRIS: But there were only 15 present.

LORD HERSCHELL: I did not put any stress upon the numbers, whether many were present or not. All I said was, I hoped it would be considered as free from Party bias here as it was there.

*LORD MORRIS: I know my noble and learned Friend did not place stress upon the numbers, but still he alluded to the fact that the same Amendment had been proposed in the Standing Committee on Law, and I think it right to explain, because, if unexplained, that might affect noble Lords' views upon the subject. Without the slightest kind of communication with any person, and being wholly disinterested, as I am not a Director of any Company, I was so struck with what appeared to me the extraordinary imposition upon a Director under this clause, if it were allowed to stand, from the word "valuation," down to the end of it, that I proposed its omission. It does appear to me to be an unprecedented proposal, and I will take the liberty of saying one contrary to good sense, that any man should be called upon, not only to explain his own opinions or belief, or why he had acted upon them, but that he should be obliged to prove that he had reasonable grounds for relying upon the statements of another man, having been made by that man, in the honest belief that they were true. That is shortly, as has been put by the Lord Chancellor, the effect of the clause—that the Director had reasonable ground for believing that another man believed rightly and properly. I think that is an issue which ought to be imposed upon no Director and upon no man. There seems to be some sort of run at Directors at this moment, and I think we should be very likely to be legislating in a kind of panic on the subject by passing such a clause. But if, as it appears to me, that is an imposition upon Directors which should not be allowed to stay in the Bill, the second branch of the clause appears to me to be still more open to objection, and that is that he shall prove to a Jury if anything happens to the Company of which he is Director—and Companies may be affected, your Lordships must remember, by other causes, by perhaps bubble companies breaking up, and not by actual failure of the company in question—that the person whom he employed was competent.

LORD HERSCHELL: That is not the provision, but that he had reasonable ground for believing him to be competent.

*LORD MORRIS: I know that, but we have to consider what a Jury would think, and that is the way a Jury would look at it; they never enter into fine logical distinctions, and practically, if the statements turned out to be untrue, they would probably come to the conclusion that the Director had no reasonable ground for believing them. He would put it in this way: that no Director who was solvent and had any regard for his personal character could ever employ any expert unless one who was eminent in his profession; because if he employed a Sir John Fowler, or a Sir Frederick Bramwell, the name of such an expert would be sufficient. But that would prevent any young man ever being employed, because it would be said at once to him, "I may be put upon my trial afterwards, and although I know you to be very clever and competent, still a Common Jury of the City of

London will come to the conclusion that, as your name is unknown to fame, you are not a competent person." I venture to repeat, what I have already said in this House, that we ought to be satisfied with advancing to the extent that we have done, and that if there is any future legislation required of the subject it is quite time enough to adopt it when there are evils found which this present Bill, if passed into a Statute, would meet. Upon those grounds, my Lords, I should certainly support the proposition of the Lord Chancellor.

*LORD BRAMWELL: My Lords, I am not desirous of putting any unnecessary burden upon Directors. I am very much afraid of the Bill as it stands, but I cannot agree with the Amendment of the Lord Chancellor. Really, the proposition is this: that if the Report of an expert is relied upon in a prospectus, the Director shall be able to say not that he was competent, but that he believed him to be a competent man, and that he believed the Report was *bonâ fide* made. Now, what can be the objection to that? It is said that these cases will come before Juries, and even Common Juries. I know they will come before Common Juries, and if a company has turned out unsuccessful I know very well what may happen. But that is an excellent reason, my Lords, for not passing the Bill at all. If the Bill is to be passed it should be passed on principle, and if the man is able to give a good account of himself, and of his own opinions, why should he not be also called upon to give a good account of his opinion of the expert he has relied upon, and of that expert's Report? Just see what the consequence is if it is not so. A man desirous of "floating" a company, as it is called, goes to a great number of experts, and your Lordships will remember that the definition of an expert is a man whose profession enables him to be looked upon as an authority on a particular subject—he goes to a great many experts who do not agree with him, and after he has gone to the most respectable of them he goes to some man who will agree with him, in whom he has much less faith than he had in the half-dozen who rejected him, perhaps no faith at all, and whose Report he believes is made simply for the fee he would get for it, and not in consequence of its correctly representing his opinion. Now, that would really be the case if the Lord Chancellor's Amendment was adopted, and I think the noble and learned Lord must remember this, that when a man has been called upon to give evidence, and has relied upon the opinion of an expert, that it frequently happens to him to be asked: "Did not you consult Mr. A. B?—Yes.—Are you going to call him?—No." What is the inference from that? And he is, perhaps, asked the same question with regard to Mr. C. D., Mr. E. F., and so on. The conclusion from that is that he has gone to the best experts in the first instance, and their Reports have not suited his purpose; therefore, he has gone on until he has found some expert whose Report did suit his purpose. Now, I beg your Lordships to look at this proposition as the Bill stands. It does not make the Promoter or Director guarantee the good faith or skill of the expert; all it makes him do is to show that he believed in him and in his statements.

LORD HERSCHELL: That he had reasonable ground to believe in them.

*LORD BRAMWELL: I should have said had reasonable ground for believing in them. Why not? If that is true of his own sentiments and his own opinion, is it not true of his faith in those whose statements he has brought forward to the public and advised them are to be relied upon? And your Lordships will always remember there is a *primâ facie* case made out against the Director or Promoter by showing in the first instance that the Report, or valuation, or what not, contained an untruth, and that calls upon him to show his good faith, and that he believed in the man who made it.

*THE EARL OF SELBORNE: My Lords, it has occurred to me to call attention to one thing which does not apply to this particular point, but rather more widely to the question of the *onus probandi*. I do not see any provision for the case of a Director having become of unsound mind, and being of unsound mind, at the time when the charge arises. I do not know whether the Bill applies either to a case where the Director is dead.

LORD HERSCHELL: In that case, I think no action would lie.

*THE EARL OF SELBORNE: Yes, I suppose the ordinary rule would apply in that case, that no action of *tort* would lie after death, and therefore we may dismiss the case of a man who is dead. But I cannot help thinking that the *onus probandi*, which this Bill introduces for the first time, upon a man who is of unsound mind at the time when the action arises would be to take from him the possibility of clearing himself, however honest his conduct might have been, and however well able he might have been to satisfy the burden of proof if he had been of sound mind. I do not know, therefore, whether my noble and learned Friend would be willing to put in at the end of the clause some such words as these :—"Provided always, that if at the time when any such action arises the Director is of unsound mind, the burden of proof shall be the same as if this Act had not passed." I cannot help thinking that otherwise some injustice will be done, because it would probably be the case that the company would have gone on for a time at all events, and the action might arise some time after the man had commenced acting as Director. It might also be the case that he had become of unsound mind, and totally unable to make even an affidavit as to his ground of belief with regard to any statements in the prospectus.

LORD HERSCHELL: I have never been able to appreciate the importance of this point with regard to the onus of proof. In a case of fraud, the onus of proof is upon the plaintiff, who alleges that a statement is untrue, to show that it was known to be untrue by the man who made it; but if it is once proved to be untrue, and the circumstances are not such as to make it clear that he knew it to be untrue, I have never known any case where steps had not to be taken to prove that the man did not know it. Of course, there may be a case where a man is dead, but that would be an entirely different matter; and if such an action were brought, the circumstances would be carefully scrutinised, and the result would depend upon a consideration of the whole case, whether, upon the whole, the proper conclusion was or not that the man believed the statement to be true. I do not myself think this shifting of the onus of proof would make any difference in the form of the issue for trial in a question of fraud. It has always been sufficient to launch an action of fraud if you prove that the untrue statement has been made; and that calls for an answer. That is all that is done here; and this calls for an answer, not by the persons who have lost their money, but by the persons who made the statement, or put forward statements made by the persons whom they have employed. In the view I take it will make no difference in the issue to be tried, and I do not believe it would make any difference in the working of the Act, or in the mode in which trials would be conducted. I should like to make one observation upon the suggestion that you might have a case of this kind tried before a Common Jury, and that it would be impossible to say what a Common Jury might do. Well, that amounts only to this: that you have not confidence in the tribunal which administers the law; not that the law is wrong. But the cases will not all be taken before Common Juries; some would be tried before Special Juries, or in other ways, and therefore it is no argument at all to say that you should make the law otherwise than what it ought to be, because it may be administered by a Common Jury. That is what the argument really amounts to, and I cannot give it my consent. I would remind the noble and learned Lord (Lord Morris) that in this country, and in Ireland too, I suppose, Juries are not left absolutely without control, and that if a Jury were, without any evidence, to find that a man had no reasonable ground which all the evidence went to show that he had, the verdict would not be allowed to stand. My Lords, I cannot help feeling very strongly about this. I do not wish to throw any undue burden on Directors, but it is undoubtedly a public evil that men do put forward too readily to the public untrue statements, upon the faith of which they get money subscribed, and I venture to say that this proposal of the noble and learned Lord will encourage that practice, because men will not then trouble their heads with the question whether the valuers, accountants, or engineers whom they employ are competent or not, provided they are recognised professional men, and indeed the more

reckless they are the more advantageous their services will be to those who desire to float companies. It is suggested that no young man could ever be employed under such a clause as this, because Directors or Promoters would have no means of showing that they had reason to believe such a man to be competent, as they would in the case of men of high repute who had already become distinguished. Surely it is a reasonable ground for believing that a man is competent if you are assured by others in the profession to which he belongs that a young man, although his name may not be widely known, is quite competent in his profession. Therefore, my Lords, I am quite sure that if these words are omitted, the result will be that the measure will become rather mischievous than beneficial.

*THE LORD CHANCELLOR: I cannot help repeating my noble and learned Friend's words: I also feel very strongly on this matter. It appears to me you are introducing a totally new head of liability. My noble and learned Friend has, from time to time, used the phrase, "makes statements which are untrue." That is fallacious, because all the Director makes by the hypothesis is the statement that is undoubtedly true, namely, that such and such a person has reported either as accountant or engineer or valuer, and of whose Report he gives either an exact copy, or a fair representation—that is all the Bill obliges him to do—a fair representation of what the expert has really reported. I must say I am a little surprised at the attitude of my noble and learned Friend Lord Bramwell opposite. It appears to me the argument he puts forward is something like this: you have taken a wrong course in this Bill altogether, and it does not matter if you add something else that is wrong—you have done something already which is a little unreasonable in this Bill, and, therefore, you cannot do much more harm by adding this clause. I am a little surprised, I confess, at this attitude being taken up by my noble and learned Friend. His observations, however, as to the result of such trials, and the mode in which these actions will be tried, appear to be admitted by my noble and learned Friend opposite. He said, with that expressive eloquence which he knows so well how to employ, "If it comes before a Common Jury I know what will happen." To put that into ordinary plain language that means that a Common Jury, in such a case, would find a verdict which they ought not to find by reason of their inclination to suppose that if a statement is once proved to be untrue it was known to be so. I say that is the very reason why you ought not to do this: you ought not to lay traps for a jury, or to assent to a provision which would enable them to give way to such a practice as this Bill seems likely to encourage. It seems to me it is quite reasonable to call upon a man wherever the onus of proof may have been originally to prove that that which he has himself said, or asserted upon his own authority, is true; or, if not in fact true, it is quite reasonable that you should call upon him to show that he had reasonable ground for believing it to be true; but when he tells you in terms—"I know nothing about this myself; but I have applied to a valuer, and this is the valuer's report." It appears to me to be unreasonable that you should then shift the onus of proof from the person who made the statement, and place it upon him in the first instance to show that the valuer was a competent valuer, and that he had reasonable ground for believing that the valuer's report was true.

*LORD BRAMWELL: I must ask leave to say another word.

THE LORD CHANCELLOR: You are entitled to do so; it is Committee.

*LORD BRAMWELL: I will take my noble and learned Friend's own suggestion. The Director says: "I know nothing about this myself, but I have got a report from so-and-so, a valuer,"—does not he by implication also say—"whom I believe to be a competent and honest person"? And that is all my noble and learned Friend's clause makes him responsible for saying. But, supposing he does not say so in so many words, ought he not to say it? He would know very well that if he said to the public, "I know nothing, mind, about this report or this expert, whether he is an honest man or not," who would care a fig for the expert's report? Therefore, when he says, "I know nothing about the matter myself, but I put forward the report of an expert upon it," he clearly does by implication go on to say—"whom I

believe to be a capable and honest man."

*VISCOUNT BURY: My Lords, I think that what has just occurred must have shown your Lordships that the very first thing that will happen in a trial of this kind will be that the matter will turn on a side issue as to whether a Director, or anyone making a statement on the authority of an expert, can prove that the expert whom he consulted in the matter was a reliable person. Now, if that expert happened to be a young man, of course the whole force and efforts of the legal minds on the other side would be devoted to proving that, being a young man, he was inexperienced; that he ought not to have been trusted at all; and that any reasonable man would have gone to Sir John Fowler, or some other great expert, and would not have consulted this young man. Perhaps, as a matter of fact, the expert who had been so called in might possess a very special knowledge of the matter in hand, and he might be really a very reliable person. But everyone knows how in a case of this kind the tendency would be to ride off upon the side issue of whether the man himself was a reliable person, leaving the main issue almost untouched. My Lords, I was one of the Committee; perhaps as a lay Peer I may be pardoned in stating the fact that I was one of the minority of that Committee; and I really must say that, whenever any question arose upon that Bill, I was struck with one special circumstance—that if one noble and learned Lord asserted positively that the effect of an Amendment proposed would be so and so, another noble and learned Lord immediately spoke up and contradicted him, and three or four noble Lords would follow one another, each of them differing in opinion from the first. It seemed obvious that when you have even the highest legal luminaries in the country discussing a matter like this, and they all disagree with and directly contradict one another when they are there for the very purpose of settling the matter, what will be the case when an unfortunate man is put on his trial for his life and his honour, which is more to him than his life, before a Common Jury. I say, then, that the present condition of hesitation as to the meaning of the clause only proves the mistake you have made in passing the Second Reading of this Bill and altering the Common Law of England, which has hitherto been that a man is innocent, or must be considered innocent, until he is proved guilty. By this Bill you have altered the state of things, and you say that any man is to be liable in his honour, his life, and his fortune for any inaccurate statement that is made in his name unless he can prove that he believed that statement was true—in other words, that he is to be presumed to be guilty unless he can prove himself to be innocent. This I believe to be the first time that departure has been made in English law. The Limited Liability Act has, no doubt, done a great deal of good in this country; it has enabled a great many of our most prominent and most responsible citizens, who are not immediately engaged in trade, or immediately connected with commercial pursuits, to join in them; but if it be an advisable thing to continue the advantages which have been enjoyed under this Limited Liability Act you must not make that profession, if you choose so to call it, on the face of it, a dishonourable one. In future anybody who chooses to start a new company—I doubt whether you will find many to do so—will do so at his peril. They will not be the best men in the country who will do so; they will not be the most responsible; they will not be those on whom you ought most to rely, because they must *primâ facie* and as a first step put themselves under this Act, if it becomes an Act, and be presumed to be guilty, of malfeasance unless they can prove themselves innocent. My Lords, I think that this Bill is a great mistake; that it ought not to have passed a Second Reading; and that, as it is going through Committee, it ought not to be read a third time now. I certainly think you ought to take more time over this matter. The noble Lords who have been engaged in considering this Bill are not by any means of one mind as to the effect of all the Amendments which have been introduced into it. Noble Lords, many of whom have spoken upon it, have expressed, and do very freely express, out of doors, the opinion that this Bill is a very dangerous one, and for that very reason also I think that the further consideration of this important measure ought to be postponed. The real point,

namely, preventing frauds upon investors, has not been grappled with in this Bill at all. I will not go into the general question, but will simply say that the real point is not the one which you have now before you, and I hope my noble and learned Friend the Lord Chancellor will stick to this Amendment, for it seems to me that it is only a reasonable one.

*Lord TEYNHAM: I have listened with very great interest to the discussion upon the Amendments which have been placed on the Paper by various noble and learned Lords, but I should very much like to have the opinion of noble Lords on both sides of the House upon this cardinal qnestion: whether this is a Bill which can be amended at all; whether there is not an original vice in its construction which renders it incapable of amendment. Your Lordships are aware that every law stands upon a certain sanction—no sanction, no law. Surely, hitherto the law has always preceded the sanction. First of all, you enact a certain law, and then you say what the penalty shall be if that law be violated; but now, my Lords, for the first time, I think, in the history of legislation, the sanction in Clause 3 comes first. First of all, you have a penalty of crushing magnitude invoked upon the head of some unfortunate man, not because he has broken any law enacted either by this Bill or any other Bill, but because, forsooth, his mind has not been at a certain time in such a condition as is desired by the Bill respecting some thing which may be of a highly speculative character, or some person about whom there might be very different opinions. It seems to me the very first principles of jurisprudence are attacked by such a measure. I do not see how it is competent for Parliament to place such a measure upon the Statute Book, and I should very much like to have the opinion of noble and learned Lords upon that point.

On Question, "That the words proposed to be left out stand part of the Clause," their Lordships divided:—Contents 17; Not-Contents 34.

Resolved in the negative.

*The LORD CHANCELLOR: I suppose my noble and learned Friend will not now put me to divide upon the next Amendment, in lines 10 to 15, to leave out from "valuation" to the end.

Lord HERSCHELL: No; of course I should be "not content," but I shall not divide again.

Other Amendments made.

*The Earl of SELBORNE: In line 25 I should move to omit the words "he proves," and to substitute "it is proved." The object of this Amendment is to meet the possible case of the individual on whom the burden of proof is thrown being dead.

Amendment moved, in Clause 3, page 2, line 25, to leave out the words ("he proves,") and insert the words ("it is proved.")—(*The Lord Selborne.*)

Lord HERSCHELL: This is not an Amendment which I should myself have proposed, but it is not one which I will resist, if indeed it were any use resisting. In the view which I take I do not think it makes any substantial difference.

Amendment agreed to.

*The Earl of SELBORNE: Then, in lines 26 and 27, I move to omit the words "before the issue of the prospectus or notice." This imposes liability unless it is proved that, having consented to be a Director of the company, he withdrew his consent, and that the prospectus or notice was issued without his authority or consent. He would have to prove two things: first, that he withdrew; and next, that the prospectus or notice was issued without his authority or consent. The objection, as it strikes me, to the words which I propose to amit is this: A man might have been accidentally absent from a particular meeting at which a prospectus was agreed to, and, of course, as I read the whole clause, it would apply not only to a first issue, but to the issue of a prospectus at a later stage of the company. Surely a Director cannot be expected always to be able to be present at every meeting. But there is another and a stronger case. He may have been present when the subject of the prospectus was discussed, and when it was agreed to in a certain form; but afterwards, in his absence, material alterations may have been made without his knowledge, and the prospectus may have been actually issued in that altered form before he knew that any

such alterations had been made in it. In that case, if he does all he can to dissociate himself from it, and withdraws his name from the list of Directors as not having authorised the prospectus, it seems to me it could not possibly be right to throw upon him the burden of proof that he had reasonable ground for believing what on the hypothesis he did not believe, because his reason for withdrawing would be the very fact that he could not consent to be made answerable for that prospectus.

Amendment moved, in Clause 3, page 2, lines 26 and 27, to leave out ("before the issue of the prospectus or notice.")—(*The Earl of Selborne.*)

LORD HERSCHELL: I understand the proposal is that if a man withdraws his consent to be a Director at any time this shall apply. That no doubt is the proposal of my noble and learned Friend. But he might withdraw his consent; and, according to this, if he proved that he withdrew his consent to be a Director of the company at any time after the notice or prospectus was issued, although the shares were allotted on the faith of the prospectus which had been issued with his consent, he would not escape liability. He would still be liable, as I understand it, if my noble and learned Friend's Amendment were carried, because he has to prove two things: first, that the prospectus or notice was issued without his knowledge or consent; and then he has also to prove that he withdrew his consent. But that withdrawal, as I understand, need not be before the shares are taken. I quite understand the case which my noble and learned Friend alludes to. It is this: that although a man has consented to be a Director, and consented to have his name on a prospectus, yet, unless the prospectus was agreed to in the particular form in which it was issued, it is to be considered as having been issued without his knowledge or consent. I should propose, in lieu of my noble and learned Friend's words, that words to this effect should be adopted; that upon becoming aware of the issue of the prospectus he had forthwith given notice to the public that he withdrew his sanction. The effect of it would be to make the final proviso of sub-clause (1) read as follows:—

"Or unless he proves that, having consented to become a Director of the company, he withdrew his consent before the issue of the prospectus or notice, or that the prospectus or notice was issued without his authority or consent, and that, on becoming aware of its issue, he forthwith gave reasonable notice that it was so issued."

It is only fair and reasonable, I think, when a prospectus is issued, and the Director finds that it is not the prospectus he authorised, that he should give some public notice of the fact, because, if he goes on and says, "Never mind, although I do not believe it is true, let it go," I think he ought to be made liable.

*THE EARL OF SELBORNE: I do not think the precaution is necessary which my noble and learned Friend proposes, but I will adopt his Amendment.

Amendment (by leave of the House) withdrawn.

Amendment moved after the word "consent," in line 38, to add—

"Or that the prospectus or notice was issued without his knowledge or consent, and that on becoming aware of its issue, he forthwith gave reasonable public notice that it was so issued without his knowledge or consent."—(*The Lord Herschell.*)

A NOBLE LORD: May I ask whether there should not be some special form of public notice indicated?

LORD HERSCHELL: I have merely put in the words "public notice." There is an ordinary practice with regard to that. The way it is ordinarily done is by giving notice to the public in newspapers. If a man writes to say that a prospectus has been issued without his knowledge, it very soon gets into all the newspapers. I do not think there would be any difficulty on that head.

Amendment agreed to.

*THE LORD CHANCELLOR: Then there is a proviso in the second subsection that "promoter" in this subsection means a party to the formation of the company. I would call attention to the fact that the definition does not include—

"Any person by reason of his acting in a professional capacity for persons who were engaged in procuring the formation of the company."

Those words seem to me to be open to very grave question. According to my experience, I should say that in the large proportion of cases the persons

who have been most to blame in these transactions, and who have made cats-paws of the Directors, have been professional persons who have procured them to put their names to the prospectus, and I very much doubt whether it is desirable to shield them from responsibility. I think that is a matter of some importance, and I invite my noble and learned Friend's attention to it now.

LORD HERSCHELL: I do not intend to shield them from responsibility. Those words were put in because some alarm was felt lest being a person who was not a promoter, but who was simply employed as a lawyer, we will say, to register the company and to do what was necessary in his capacity as a lawyer, should be held to come within the earlier words, because he had taken part in the preparation of the prospectus. The words were suggested to me as desirable to meet the fear of the legal profession lest they might be unintentionally included, but as I understand those words, if a lawyer acts as a promoter he would come within this clause, and not within the exception, because it only provides that it should not include anyone by reason of his acting purely in a professional capacity for those who were engaged in promoting the company.

*THE LORD CHANCELLOR: I do not want to refer to the case which my noble and learned Friend has so often referred to, but supposing the person who prepared the prospectus was a lawyer, and that he wrongly advised the Directors that they had, we will say, the power of using steam or anything else, I think that person would be very properly held to be responsible. I cannot help feeling that "by reason of his acting in a professional capacity" might not receive the construction which my noble and learned Friend means it to have, because I think it might be said that if he has, for payment as solicitor, prepared a prospectus on instructions, although he knew perfectly well the inaccuracy of it, he might be excluded from the operation of this Bill, though he might be assailed in another form.

LORD HERSCHELL: Surely it is not reasonable, if a solicitor is acting merely as solicitor, and is not himself a promoter in the sense in which promoter has been construed by the Courts, to hold that he should be liable under such a measure as this for having given erroneous advice. If he has acted fraudulently there would be means of calling him to account. I doubt really whether there would be any difference if you strike the words out, because I doubt whether any person could be held to be a promoter as party to the preparation of a prospectus by reason of his having acted in a professional capacity. No doubt there has been considerable alarm and consternation caused with regard to its application in the case of the legal profession.

A NOBLE LORD: Lawyers would not, of course, be the only persons who would act in a professional capacity; for instance, there would be engineers, and the engineer acting in the matter might be the very man whom you would like to bring within your net.

LORD HERSCHELL: Unless he is a Director or a promoter you cannot make him liable under such a Bill as this. You are then going to an outside category altogether. This Bill deals with floating companies, and placing them before the public. I agree that engineers sometimes, like lawyers, are promoters, and, if so, they are hit.

*THE LORD CHANCELLOR: That is the whole question between us. I am not going to move an Amendment upon it. I only call my noble and learned Friend's attention to it. I doubt whether those words are apt. My impression is that the effect of the words will be to shield a man who is really a promoter under the plea of having given professional advice, that he was only acting as lawyer, engineer, or valuer, in the matter, and not as promoter. I only desire to call attention to it.

*LORD MORRIS: Would it not be sufficient to use the words "by reason merely of his acting in a professional capacity?" The noble and learned Lord, in describing the object which he had in view himself, used the word "merely." That is why I make the suggestion, so as to provide that the exception shall apply only in cases where the man was merely acting as attorney, accountant, or engineer, or so on.

*THE EARL OF SELBORNE: I cannot help thinking the words, as they stand, come to the same thing. The meaning of it is that that is not to be a reason for

making him a promoter. You make him a promoter in another way; and if he acts in a professional capacity only, he would not be liable, provided you do not bring fraud home to him; of course, he would be liable for his fraud. But with regard to Sub-section 3, I should like to ask my noble and learned Friend whether there is any sufficient reason for limiting that sub-section to companies which are existing at the passing of the Act. New companies will be in the same situation. They may, at some later period, have occasion to make new issues of shares or debentures, just as much as companies which are existing at the time of the passing of the Act. It seems to me that in that case, where you have similar circumstances existing, the same law should be applied to both present and future companies.

LORD HERSCHELL: The difficulty I have felt about that is that with regard to existing companies you can, of course, do it, because it could not be held to be an invasion of the Act; but with regard to new companies what I fear is, that if you provide with regard to a subsequent prospectus, there would be a danger of something being done to enable it to be said "This is not a first issue," which would get rid of the stringent part of the Bill. That was my fear, and I have not quite seen how one can make certain that the words would not be used for the purpose of bringing about some evasion of the Act of that description. I am not quite sure that it would not do that, any more than a provision with regard to making first allotments of shares, because they might simply allot two or three shares only, for the purpose of making the real allotment not the first allotment of shares. That was my only fear.

*THE EARL OF SELBORNE: I cannot help thinking that ought to be met. The case would otherwise have to be dealt with under the previous sub-section. It seems to me that the difficulty is one which my noble and learned Friend's ingenuity is equal to overcome.

Clause 3 agreed to.

Clause 4.

*THE EARL OF SELBORNE: In line 5 of this clause, I think something should be put in to meet the alteration which has been made by my noble and learned Friend.

LORD HERSCHELL: I have an Amendment in line 6 which I think would meet it, to insert "not to affect any such Director." It would then not cast liability on any of the Directors without whose knowledge or consent the prospectus was issued.

Amendment agreed to.

Report of the Amendments to be received on Thursday next; and Bill to be printed as amended. (No. 257.)

PHARMACY ACT (IRELAND) (1875) AMENDMENT BILL.—(No. 172.)

Read 3ª (according to order) with the Amendments: Further Amendments made: Bill passed, and returned to the Commons; and to be printed as amended. (No. 258.)

CENSUS (ENGLAND AND WALES) BILL.—(No. 226.)

Amendment reported (according to order); and Bill to be read 3ª on Thursday next.

CENSUS (SCOTLAND BILL.—(No. 227.)

Read 3ª (according to order), and passed.

MARRIAGES IN BRITISH EMBASSIES, &c. BILL.—(No. 167.)

Amendments reported (according to order.)

LORD HERSCHELL: My noble Lords, I have to move to leave out Clause 3, and to insert some Amendments in Clause 4. The effect of that will be to empower certain persons to act, as in the case of Consuls, instead of defining the persons who may solemnise marriages in certain regions and districts as defined in clause, and thereupon declaring, as is proposed to be done by Clause 10, what ministers, Governors, and so on may perform these functions. I think it would be much simpler to leave out Clause 3, and to amend Clause 4, by giving to certain persons, when authorised in the same manner as Consuls, the same authority as the Consuls have under the Consular Marriages Act. I believe that the noble Marquess the Secretary of State for Foreign Affairs agrees that this carries out the purpose in view.

THE SECRETARY OF STATE FOR THE COLONIES (Lord KNUTSFORD): I have the authority of the noble Marquess, who was unable to stay, for saying that he assents to these Amendments.

LORD HERSCHELL: There are some consequential Amendments. It will be necessary to leave out Sub-section 2 of Section 10, and to omit the 2nd schedule.

Amendments made; Bill to be read 3ª on Thursday next; and to be printed as amended. (No. 259.)

PUBLIC HEALTH ACTS AMENDMENT BILL.

Brought from the Commons; read 1ª, and to be printed. (No. 260.)

SILVER HALL-MARKING IN INDIA.

QUESTION—OBSERVATIONS.

THE EARL OF NORTHBROOK, in rising to ask the Secretary of State for India whether the opinion of the Government of India has been asked with regard to the proposal that a system of "hall-marking" should be applied to silver articles manufactured in India, and if any despatch has been received from India on the subject, whether he has any objection to lay a copy of it upon the Table, said: My Lords, before putting the question to Her Majesty's Government of which I have given notice, I should like to congratulate the Government on having been able in this Session of Parliament to remedy the grievance that has been felt for many years in connection with this matter by persons engaged in the manufacture of silver articles in India. It is twelve years, I think, since a Committee of the House of Commons recommended that the duty on silver plate in India should be repealed. That recommendation was repeated by the Royal Commission over which my noble and learned Friend Lord Herschell presided, and nine years ago Mr. Gladstone, when he was Prime Minister, also expressed a desire that this duty should be repealed. But from untoward circumstances, it has remained until the present year, and I can assure the Government that the feeling of gratification in India will be very keen at finding that the duty has at last been repealed. The Chancellor of the Exchequer, in another place, has explained that it is not the intention of the Government to abolish the system of compulsory hall-marking in this country, and he indicated that it was intended that a system of "hall-marking of silver articles" should be established in India in respect to articles exported from India to this country. The present state of the law in respect of the import of silver articles from India is, I believe, that under the Inland Revenue Act, 1884, articles of Indian plate can be imported into this country without being assayed here, and it seems to me that condition of things is perfectly satisfactory to the Indian manufacturers of silver. Although it may possibly be an advantage to establish in India a system of voluntary hall-marking, it might very seriously affect the silver trade in India if any system of compulsory hall-marking should be established in that country. It will be obvious to your Lordships that to require that an article of art manufacture made, perhaps, 1,000 miles from the place where the article would be assayed should be brought up to be assayed in a semi-manufactured state, and then sent back to the artificer to finish, would be a most cumbrous and restrictive measure with respect to the manufacture of silver in India. But, however that may be, the Chancellor of the Exchequer very properly explained in another place that the Government did not intend to take any action in this matter without communication with the Government of India, and that Her Majesty's Government are actually in communication with the Government of India on the subject. That statement was made three months ago, and what I have to ask Her Majesty's Government is, whether they have received up to the present time any answer to that communication, and if such an answer has been received, whether there is any objection to its being laid on the Table of your Lordships' House?

LORD KNUTSFORD: My Lords, the noble Lord the Secretary of State for India has requested me to reply to the noble Earl's question, and to point out that the intentions of the Government, as indicated in the speech of the Chancellor of the Exchequer, were communicated to the Government of India, but the Government of India do not appear to be content with the arguments and statements of the Chancellor of the

Exchequer. The correspondence on the subject is not yet complete, but there will be no objection as soon as it is complete to lay it on the Table of the House.

House adjourned at five minutes before Eight o'clock, to Thursday next, a quarter past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 5th August, 1890.

QUESTIONS.

THE PUBLIC VACCINATOR AT DENABY.

MR. LABOUCHERE (Northampton): I beg to ask the President of the Local Government Board whether a Government Inspector was recently sent down to inquire into certain charges made against Mr. Rowland Hills, the public vaccinator at Denaby, Yorkshire; whether it was proved to the satisfaction of the Inspector that Mr. Hills had made an arrangement with a man to vaccinate babies, to charge for the same, and then to give the parents unsigned certificates, which were subsequently signed by Mr. Hills, and presented to the Doncaster Guardians, when they were again charged for, as though the vaccination had been free; and what further action the Local Government Board intend to take in the matter?

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): One of the Medical Inspectors of the Local Government Board has recently made inquiries into alleged irregularities in the performance of public vaccination in the Doncaster Union. There appears to be no doubt that Mr. Hills, the public vaccinator, had made an arrangement by which children were vaccinated by a Mr. Smith, an unqualified medical practitioner. The certificates of vaccination were filled in with the usual particulars by Mr. Smith, who vaccinated the children, and were then submitted by him to Mr. Hills, who, after signing them, as having himself performed the vaccination, forwarded the certificates to the Vaccination Offices. In some of these cases, although the vaccination fees were charged to the Guardians, payment was made to Mr. Smith by the parents. The Board have communicated with the Guardians, and requested them immediately to determine the contract with Mr. Hills, and have informed them that it will devolve upon them to consider what action they will take with regard to the cases in which they have been improperly charged with the vaccination fees.

EAST INDIAN CIVIL SERVANTS.

SIR G. CAMPBELL (Kirkcaldy, &c.): I beg to ask the Under Secretary of State for India if the House will have an opportunity of discussing the Report of the Committee on the grievances of East Indian Civil Servants before any action is taken upon it; if it was intended that the Committee should report not only on the existence or non-existence of real grievances, but also on the specific remedies to be applied; whether the Government or the Under Secretary personally are pledged to the approval of the Report by the circumstance of the Under Secretary moving it in Committee, or whether he merely acted ministerially to carry out the resolutions of the Committee; and whether, if it is desired to take any action, either in the direction of conceding the recommendations of the Committee, or submitting those recommendations for the consideration of the Government in India, anything more can be done than to lay those recommendations before the Council of India in Downing Street, and to leave it to the majority of that Council to decide on a matter affecting the finances of India, and especially payments from the Home Treasury, in accordance with the power vested in them by the Indian Councils Act?

THE UNDER SECRETARY OF STATE FOR INDIA (Sir J. GORST, Chatham): The reply to paragraphs one and three of the question is—No, and to the second and fourth—Yes.

THE INDIAN BUDGET AND THE INDIAN COUNCILS BILL.

MR. BRADLAUGH (Northampton): I beg to ask the First Lord of the Treasury whether he can now fix the date for the Indian Budget Statement; and whether, in view of the fact that the Indian Councils Bill affects more than

200,000,000 of Her Majesty's subjects, and that repeated undertakings have been given for its ample discussion at an early period of the Session, he will arrange that the Second Reading be taken with as little delay as possible?

*THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): I join in the expression of regret which I understand this question is intended to convey, that it has not been possible to take the Indian Budget at an earlier period in the course of the present Session. But that is due, I am afraid, to the fact that the House has debated other questions at very considerable length. In regard to the Indian Councils Bill there can be no doubt that it is a very important measure, affecting a large number of Her Majesty's subject. I also acknowledge that I have given repeated undertakings to the hon. Member that, as far as was in my power, an opportunity should be afforded for the consideration of the measure. It has not been possible to redeem those pledges. I deeply regret the fact, and I am afraid that it will not be possible to afford an adequate opportunity for the discussion of the Bill this Session. The hon. Member will see that I am unable at present to appoint a day for the Indian Budget Statement. As soon as we have got through the other business it will be taken.

MR. BRADLAUGH: In consequence of the answer which the right hon. Gentleman has just given in reference to the Indian Councils Bill, and the decided implication that it will be impossible to proceed with it in the course of the present Session, may I ask that it may be taken early in the next Session? I know that there are many Members, who, during the last two months, have specially intimated their intentions of taking part in the Debates upon it. It is quite certain that whenever it is taken there must be a long Debate on the Second Reading, seeing the number of Amendments which stand upon the Paper, and the avowed intention of raising in Committee the question of the elective principle.

*MR. W. H. SMITH: I think it will be better, under the circumstances, that I should say at once that the Government will not proceed with the Bill this Session.

Mr. Bradlaugh

WORCESTER GRAMMAR SCHOOLS.

MR. LABOUCHERE: I beg to ask the hon. Member for Penrith (Mr. J. W. Lowther) whether the Charity Commissioners have decided that nothing can be done in the direction of the amalgamation of the two ancient Grammar Schools at Worcester; and whether he is aware that there is no room for two efficient schools of the kind in the same town?

MR. J. W. LOWTHER (Cumberland, Penrith): The Royal Free Grammar School in Worcester could not legally be amalgamated with the Cathedral School without the consent of the governing body of the latter, the former being an open, and the latter a denominational, endowment. The Commissioners are aware that there is not room for two co-ordinate schools of the same classical type in the city. They propose, therefore, to provide that the Royal Free Grammar School shall give a practical, modern education, at a low cost.

THE CONGO FREE STATE.

MR. O'KELLY (Roscommon, N.): I beg to ask the Under Secretary of State for Foreign Affairs whether, under the General Congo Treaty of Berlin, 1885, the Congo Free State undertook that merchandise imported into that country should remain free from import or transit dues; whether, in violation of that undertaking, transit duties and an export duty of 5 per cent. are now levied on all exported goods; and whether, when the Brussels Act comes into force, if ever, the Congo Free State will be at liberty to raise both import and export duties; and, if so, to what percentage?

THE UNDER SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir J. FERGUSSON, Manchester, N.E.): 1. The Congo Free State was a party to the provisions of the Berlin Act. 2. We are not aware that the Congo Free State levies transit dues. The Congo Act allows export dues. 3. As to import dues, the maximum under the Brussels Act will be 10 per cent. *ad valorem*, except as regards spirits, which will be subject to special regulations. They were sanctioned by the Brussels Conference, chiefly in order to enable the State to undertake the measures designed to extirpate the Slave Trade.

MR. O'KELLY: I beg to ask the Under Secretary of State for Foreign Affairs whether the United States of America only consented to recognise the Congo Free State on the condition that merchandise imported to that territory should remain free of Import and Transit Duties; whether the Brussels Act can be enforced according to International Law without the consent of the United States; whether at the Brussels Conference the American Envoy opposed the proposition that the Congo Free State should be permitted to levy Import Duties, and declared the Conference incompetent to modify the Berlin Treaty of 1885; and whether the United States has since given its adhesion to the Brussels Act, authorising the establishment of Import and Transit Duties by the Congo State?

*SIR J. FERGUSSON: (1) Yes. (2) Not as far as regards United States citizens. (3) The United States Government, at the commencement of the deliberations, raised objections to the levy of duties by the Congo State. (4) But subsequently signed a declaration relinquishing the right of the United States to the free entry of American merchandise into the Congo State, on the same conditions and within the same limits as those specified in the declaration signed by the Signatory Powers of the Berlin Act. This provisional declaration is eventually to be supplemented by a Treaty.

MR. O'KELLY: Under the present Act will the Congo Free State be at liberty to levy both Import and Export Duties?

*SIR J. FERGUSSON: Yes. The Congo Free State will have the same liberty to impose Export Duties as it has now.

MR. O'KELLY: Will it be competent for America to send in merchandise without paying Import Duties?

*SIR J. FERGUSSON: My previous answer explains that point. If the American Government accedes to the Brussels Act, American merchandise will pay the same duties as that of other Powers.

THE BANSTEAD ASYLUM.

MR. BAUMANN (Camberwell, Peckham): I beg to ask the President of the Local Government Board whether his attention has been drawn to the following passage in the last Report of Her Majesty's Commissioners in Lunacy (Appendix C, page 215), with reference to the Banstead Asylum—

"Applicants for discharge were also a legion during our visit. On this point we could only refer them to the Committee (having ourselves no power in the matter), and were then too often answered that they never had an opportunity of speaking to the Committee. Doubtless this answer is beyond the truth, but we fear that the changes incident to recent legislation have interfered with the regular visitation of the wards by the Asylum Committee;"

and whether, in view of this serious testimony, he will consider the desirability of taking away the duty of visiting the asylums in the county of London from the London County Council, and restoring it to the Justices, or of handing it over to the Metropolitan Asylums Board?

*MR. RITCHIE: My attention has been drawn to the passage referred to in the Report of the Commissioners in Lunacy with reference to the Banstead Asylum. I have been in communication with the London County Council on the subject, and the Chairman of the Asylums Committee of the Council, who is also chairman of the Banstead Asylum Sub-Committee, states as follows:—

"The date of the Report in question is October 26th, 1889. The County Council took over the Asylums in the previous July. Therefore, these were early times to report on. I have been on the Banstead Committee of Management without a break for 10 years, formerly as a Justice, latterly as a County Councillor; and have been at every fortnightly meeting in all those years, except, perhaps, three or four. I am sure the County Councillors have visited the wards and interviewed the patients more frequently and more thoroughly than the Justices did. There has never been a break in the regular statutory visitation; and every fortnight some of the Committee inspect some of the wards and interview some inmates."

I see no ground for proposing that the duty of visiting the Asylums in the County of London should be taken away from the London County Council.

CUSTOMS OUTPORT CLERKS.

SIR HORACE DAVEY (Stockton-on-Tees): I beg to ask the Secretary to the Treasury whether a Memorial has recently been forwarded from a large number of the Customs outport second-class clerks, praying for compensation for loss of prospects, and for re-arrange-

ment of promotion, and whether the Board have declined to grant the prayer of the memorialists; whether the Treasury contemplate any immediate improvement in the position of these clerks, on the lines of the recent improvement in that of the Second Division of the Civil Service; whether a further reduction in the number of the first-class outport clerks is contemplated, and whether the vacancies in the list of clerks rising to £300 are intended to be filled up; whether it is intended to apply the seven hours system to the clerks as a body; and, if so, on what terms; and whether he will include the alleged grievances of these clerks in the inquiry which it is understood he is conducting in the matter of the outdoor branches of the Customs Service?

THE SECRETARY TO THE TREASURY (Mr. JACKSON, Leeds, N.): A Petition has been received from a number of Customs outport second-class clerks, and has been refused by the Board as unreasonable. No reduction in the number of Customs first-class outport clerks is contemplated, but, of course, no pledge can be given that the existing number shall be rigidly maintained. No vacancies in the list of clerks rising to £300 at present exist. It is not intended to apply the seven hours system to these clerks as a body, but clerks accept promotion to the first-class on the understanding that they are liable for the seven hours. I regret that I cannot extend the inquiry I have undertaken in the case of the outdoor branches so as to include these clerks.

THE GRENADIER GUARDS.

MR. GOURLEY (Sunderland): I beg to ask the Secretary of State for War whether he will consent to place upon the Table of the House copies of the Minutes of the Courts Martial on the men of the Grenadier Guards, recently quartered at Wellington Barracks; and will he further consider the advisability of securing to soldiers similar publicity of trial as that of civilians in Magisterial Courts, and which, by the publicity of their proceedings, aid in diminishing crime?

*THE SECRETARY OF STATE FOR WAR (Mr. E. STANHOPE, Lincolnshire, Horncastle): To produce the proceedings of these Courts Martial would not be to the benefit of the Public Service. I may, however, inform the hon. Member that perfect publicity of trial is secured to soldiers, as all Courts Martial are open Courts to which the public has free access.

In reply to a futher question by Mr. GOURLEY,

*MR. E. STANHOPE said: I would venture to suggest that the House of Commons is not the proper place for discussing these proceedings.

TREATIES OF COMMERCE.

MR. HOWARD VINCENT (Sheffield, Central): I beg to ask the President of the Board of Trade if he can inform the House which of the Treaties of Commerce now existing with foreign nations expire in 1892, upon 12 months' notice on either side; whether any of the existing Treaties lapse without notice being given; if the Departmental Committee now examining the Treaties at the Board of Trade, is taking evidence upon the wishes of the commercial communities of the United Kingdom and of the colonies; and if their Report will be laid before Parliament, and opportunity be afforded for discussing it prior to any action being taken, and before the time at which notice to terminate, either wholly or in part, must be given?

*THE PRESIDENT OF THE BOARD OF TRADE (Sir M. HICKS BEACH, Bristol, W.): The Commercial Treaties with Bulgaria, France, Italy, Montenegro, Portugal, and Spain, are terminable at various dates in 1892, upon 12 months' notice on either side, and if no such notices are given, will thereafter be terminable at 12 months' notice at any time. None of the existing Treaties lapse without notice. The Treaties Committee will, doubtless, consult the commercial bodies of this country respecting the wishes of British trade, but it is not proposed to extend their inquiries over the whole British Empire. It is not intended to depart from the course heretofore adopted in regard to the Executive having the charge and responsibility of commercial negotiations.

JEWS IN RUSSIA.

MR. ATKINSON (Boston): I beg to ask the Under Secretary of State for Foreign Affairs if anything can be done

to influence the Emperor of Russia in favour of the Jews in his Empire, now threatened with severe affliction?

*SIR J. FERGUSSON: These proceedings, which, if they are rightly reported to us, are deeply to be lamented, concern the internal affairs of the Russian Empire, and do not admit of any interference on the part of Her Majesty's Government.

MALTA.

MR. SUMMERS (Huddersfield): I beg to ask the Under Secretary of State for the Colonies whether, since the General Election in September, 1889, the Council of Government in Malta met for the first time on the 29th January, 1890, when little or nothing was done; whether it was kept closed from 29th January to 14th May; whether, just as it had got into working order, its sittings were again brought to an abrupt termination on 25th June; and whether, as there is before the Council of Government at the present time a Motion for an Address to Her Majesty which, among other prayers, contains one for removing from the Civil List the sum of £1,000, out of which all the expenses incurred by Sir Lintorn Simmons and his suite have been ordered to be paid, he can state when it is intended that the Council of Government shall be summoned for the discussion of this Motion, and for the despatch of the business of the island?

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Baron H. de WORMS, Liverpool, East Toxteth): The statement in the first paragraph of the question is correct. The delay was caused by the change of Governors owing to the death of Sir H. Torrens. The answer to the second paragraph is, Yes. The Council was adjourned on the 25th of June, after passing several important Estimates, ordinances and useful measures. It was adjourned earlier than the Governor had anticipated on account of the three un-official Members of the Executive Council sending in their resignation which has been accepted. It is hoped that others will shortly be appointed fairly representing the majority of the Council of Government, which will meet again after vacation in October next.

MR. SUMMERS: I beg to ask the Under Secretary of State for the Colonies whether the decrees of the Council of Trent have been promulgated in the Island of Malta; and, if so, by whom, at what date, and under what circumstances?

BARON H. DE WORMS: I would refer the hon. Member to what was said by the Secretary of State in another place, on the 24th ultimo, namely:—

> "The Legal Authorities in Malta have advised that it was duly promulgated there, that it was accepted by the Civil Authorities, and that it has ever since continued to be the Civil Law of the island. We have no information as to the date and circumstances of the promulgation."

MR. SUMMERS: I beg to ask the First Lord of the Treasury whether he has received a letter from Mr. Savona, bearing date 12th July, 1890, on the Constitution of Malta, and the recent proceedings in the Council of Government of that island; and, if, so, whether he can state what answer, if any, has been returned to the letter in question?

MR. W. H. SMITH: I have no knowledge of any such letter.

MR. SUMMERS: I am prepared to give the right hon. Gentleman a copy.

COMPOSITIONS FOR SHIPS.

SIR WILLIAM PLOWDEN (Wolverhampton, W.): I beg to ask the First Lord of the Admiralty what are the names of the compositions which have been used in the Navy for the first time since the date of Commander Pitt's appointment at the Admiralty; whether the experts on the late Committee or the technical Dockyard Officers have been consulted as to the efficacy of Commander Pitt's instructions for guidance in the application of compositions to the bottoms of Her Majesty's ships, and as to the applicability of these instructions to the various compositions in use in the Navy; and whether any manufacturers who supply compositions to the Admiralty have been consulted by Commander Pitt with reference to these instructions; and, if so, what firms or agents?

*THE FIRST LORD OF THE ADMIRALTY (Lord G. HAMILTON, Middlesex, Ealing): Apart from the compositions which have been applied experimentally, Rahtjen's composition is the one which has been adopted for the use of the Navy since the Committee made their Report. This composition was at the time under

trial. The answer to the second question is "No," the Admiralty being fully able to deal with the matter themselves. The reply to the third question is "Yes," namely, the Maritime and General Improvement Company:—Messrs. Peacock and Buchan, and the Suter, Hartmann, and Rahtjen's Composition Company.

RAILWAY RATES.

MR. SINCLAIR (Falkirk District): I beg to ask the President of the Board of Trade whether the Board have agreed with the London and North Western Railway Company as to the classification and Schedule to be embodied in a Provisional Order and reported upon to Parliament; and, if so, whether such Report will be made by the Board during the present Session; and whether, in the event of disagreement with the Company, the Board will determine the classification and Schedule which they are of opinion ought to be adopted, and report thereupon to Parliament before the expiration of the present Session, or if they intend to postpone such Report till Parliament meets in November?

*SIR M. HICKS BEACH: The Board of Trade have not been able to agree with the London and North Western Railway Company as to the classification and Schedule to be made applicable to them. Consequently, the Board of Trade will take the course provided for by Sub-section 6 of Section 24, and will make their Report to Parliament before the end of the present Session.

STAMP FRAUDS.

MR. ESSLEMONT (Aberdeen, E.): I beg to ask the Chancellor of the Exchequer whether his attention has been called to the recent conviction, at the Central Criminal Court, of two men, named Falvey and Foskett, for stamp frauds, to the rider to the jury's verdict in the case, and to the observations of the Judge when sentencing the prisoners; whether it is a fact that there has been considerable laxity in the proper custody of the stamping dies in the Department of the Chief Superintendent of Dies at Somerset House, and who are the superior Revenue Officers primarily responsible for this neglect of duty; whether it is known how long the fraudulent practices in question have been carried on; whether there is any truth in the rumour that, owing to the circulation of fraudulent stamps upon the Stock Exchange for some time past, the State has lost several thousands of pounds of Stamp Duty; and whether any absolute knowledge on this head has been arrived at by the Treasury, and has that Department made any special and independent inquiry into the matter, or does it propose to do so?

*THE SOLICITOR GENERAL (Sir E. CLARKE, Plymouth): In the absence of my right hon. Friend I will answer the question. The Board of Inland Revenue are not prepared to admit that considerable laxity in the proper custody of dies in their Stamping Department exists. These dies are kept strictly as laid down by the regulations for which they are responsible, but on the rider to the Jury's verdict, in the case of "The Queen *v.* Falrey and Foskitt," being brought to their notice, the Board themselves, with the assistance of their solicitor, commenced a searching inquiry, which is still proceeding, with a view of ascertaining, if possible, the person or persons responsible for the fraud, and of making, if found desirable, stricter regulations as to the custody of the dies. There is no reason to believe that these frauds have been going on for any length of time, and the evidence disclosed at the Police Court and at the trial only pointed to the fraudulent use of dies on three dates in March of this year. There is no reason to give credit to any rumour that the State has lost several thousands of pounds of Stamp Duties. The facts have not yet been sent officially to the Treasury, pending the inquiry by the Board of Inland Revenue, but they will be reported on as soon as that inquiry is completed.

SUGAR CONVENTION BILL.

MR. TATTON EGERTON (Cheshire, Knutsford): I beg to ask the Under Secretary of State for Foreign Affairs whether it is true that the Sugar Convention Bill has passed the French Chambers; and what steps Her Majesty's Government intend to take to fulfil the international engagement made by this country?

*SIR J. FERGUSSON: The Bill which has been passed by the French Chambers is not the Sugar Convention Bill, but one of domestic policy, designed to recoup

the State for the great profits which the sugar refiners are said to have been making by the existing system. As regards the second paragraph of the question, the time for the ratification of the Convention expired on the 1st of August.

WESTMINSTER HALL.

Mr. de LISLE (Leicester, Mid): I beg to ask the First Commissioner of Works whether his attention has been called to the decay of the new stone-work on the west side of Westminster Hall?

The FIRST COMMISSIONER of WORKS (Mr. Plunket, Dublin University): The new stone-work of the new buildings on the west side of Westminster Hall has been carefully examined, and, with the exception of two or three small stones, which are evidently soft, there is no decay. Some interesting stones which were taken from the old buttresses have, however, been raised in corresponding positions in the new buttresses and these, having been covered up in the old buildings for many years are, now that they are again exposed to the atmosphere, showing signs of decay on the surface, but this, after a time, will probably cease to a great extent. With respect, however, to the new stone-work which has been used as a facing to the main wall in the interior of the Hall, I regret to say that, from some reason which cannot at present be explained, certain patches of the work are undoubtedly decaying on the surface, and, strange to say, in the same places as the decay had principally occurred in the old stonework before the repairs were effected. The architect, Mr. Pearson, is at present quite unable to account for this mysterious decay, and assures me that the stone selected for the work (Ketton) is the best for the London atmosphere, and this opinion would appear to be borne out by its standing well on the outside of the building. It is believed that there must be some peculiarity in the mortar of those parts of the old wall where the decay is taking place, and I intend to have the matter thoroughly investigated at once, with a view of ascertaining the cause, if possible.

THE NAVAL MANŒUVRES.

Mr. HANBURY (Preston): I beg to ask the First Lord of the Admiralty what information he has as to the firing of the heavy guns of H.M.S. *Hero* and *Inflexible* (the most powerful ships of the squadron which actually fired their heavy guns) during the present manœuvres on Friday last; whether it supports the account in the *Times*, of 4th August, that—

"One of the turret guns of the *Hero* could not be fired during the greater part of the practice;"

that at the conclusion of her independent firing on Friday the *Inflexible* reported that—

"The guns could not be run in, and that it was therefore necessary to take the pistons out, which could not be safely done at sea. If the operation had been real warfare instead of peaceable target practice half the heavy armament of these two powerful ships would have been disabled early in the action, not by the fire of the enemy but by their own inherent defects."

Mr. GOURLEY: I also beg to ask the First Lord of the Admiralty whether it is correct that, during the heavy gun practice off the Scilly Islands on Friday last, two of the four 80-ton guns on board the *Inflexible* were for a considerable time disabled by accidents to their hydraulic gear, and that, on Saturday, one of the 44-ton guns of the *Hero* was disabled from the same cause; and whether, in consequence of these (and similar accidents during the Manœuvres of last year), Her Majesty's Government will consent to the appointment of a Departmental or Select Committee, to inquire into the whole system of gunnery in connection with the Navy, and more especially for the purpose of ascertaining whether the proposals for arming the ironclads now building under the Naval Defence Act, with big guns, are the most suitable for Naval warfare?

Captain VERNEY (Bucks, N.): I also wish to ask the noble Lord whether it is true, as stated in the newspapers, that at heavy gun target practice off the Scilly Isles, on Friday last, two of the four 80-ton guns on board the *Inflexible*, and one of the two 44-ton guns on board the *Hero* became totally disabled; and will he inform the House who is responsible for the defective construction of these guns?

*Lord G. HAMILTON: No reports have as yet been received at the Admiralty of failure in the hydraulic arrange-

ments for working the heavy guns of the *Inflexible* and *Hero*. As regards the *Inflexible*, all the 80-ton guns were in continuous use for 10 consecutive hours at the bombardment of Alexandria, firing the maximum charges of powder the whole time, and there was not the slightest failure of any sort whatever at any time in any of the hydraulic arrangements during the whole period of the action in question. As regards the *Hero*, her heavy guns have been continuously used for instruction during the last two years in the training of seamen gunners at Portsmouth, and during the whole of that period there has been no failure in the hydraulic arrangements for working the heavy guns. I have full confidence in my gunnery advisers and the Board of Admiralty are thoroughly satisfied as to the efficiency and system of working heavy guns in the Navy, and there is, therefore, no intention of appointing a Committee to inquire into the subject.

THE NEW MAGAZINE RIFLE.

MR. HANBURY: I beg to ask the Secretary of State for War if he can now state the result of the official inquiry as to the jamming and other defects in the new magazine rifle, mentioned in the *Times* report of the recent practice at Bisley?

*MR. E. STANHOPE: I have not yet received a Report, and I must ask my hon. Friend to postpone the question.

THE PAPAL COURT OF ROME.

MR. CAVENDISH BENTICK (Whitehaven): I beg to ask the Under Secretary of State for Foreign Affairs whether, during the last Administration of the late Sir Robert Peel, and subsequently, the British Government was diplomatically represented at the Papal Court of Rome by a functionary, who, although nominally attached to the British Legation of Tuscany, was, in fact, accredited to the Pope of Rome?

*SIR J. FERGUSSON: At the time referred to, and subsequently, an *Attaché* to the British Mission in Tuscany resided at Rome, and was in confidential communication with the Papal Government. But he was not accredited to the Holy See.

REPORTS, POLICE (COUNTIES AND BOROUGHS).

MR. HENRY J. WILSON (York, W.R., Holmfirth): I beg to ask the Secretary of State for the Home Department whether he is aware that, in the "Reports, Police (Counties and Boroughs)" for 1889, the tables on pages 118 and 119 do not give the population according to the Census of 1871, so as to be uniform with the similar tables on pages 222, 223, 318, and 319, and that the table on pages 318 and 319 entirely omits the population in the case of about 31 boroughs; whether he will consent to a re-issue of the three tables, so as to make them uniform and complete; and whether he will take steps to prevent a repetition of these omissions?

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): The three tables were prepared by the Inspectors, and it is true there is some slight want of uniformity in them. I will give instructions, so that hereafter this may be remedied. The 31 boroughs have not been omitted, but having, in pursuance of the Local Government Act, been merged in counties, their figures are included in the County Returns.

CHURCH AND POOR'S LAND, DEFFORD.

SIR WALTER FOSTER (Derby, Ilkeston): I beg to ask the hon. Member for Penrith whether he is aware that in the new scheme for the administration of the Church and Poor's land of the township of Defford, in the County of Worcester, the Charity Commissioners have stipulated that the three representative Trustees shall have a ratal qualification of not less than £15, whereby all members of the working classes of the district, and also any other person occupying a house without land attached, will be entirely excluded from the administration of the charity; whether he is aware that instead of the share of the poor in the fund being distributed in coal, as hitherto, it is intended that this shall only take place after a preference has been shown by subscriptions to dispensary, infirmary, hospital, convalescent home, and provident clubs, a method of distribution which is generally objected to by the people of the country districts; and whether the Commissioners intend to take any action in the matter?

*MR. J. W. LOWTHER: According to the original Trusts of the endowment of the Church and Poor's Land of Defford, the Trustees are to be "landowners of Defford, which are of the best, largest, and ablest estates there," and the Commissioners consider that their proposal fairly represents the original qualification. The provisions for the application of income, which are inserted in the draft scheme, are those in general use in schemes for dole charities; they were approved by a Select Committee in 1884; they do not give preference to any one of the several alternate modes of application suggested, of which distribution in coal and other articles in kind is one.

ANGLO-FRENCH AGREEMENT.

MR. SAMUEL SMITH (Flintshire): I beg to ask the Under Secretary of State for Foreign Affairs whether the Government has entered into negotiations with France respecting Madagascar; and, if so, whether they will give the House an opportunity of pronouncing a judgment before concluding a Treaty on the subject?

*SIR J. FERGUSSON: I must ask the hon. Member to postpone the question until Thursday. I think I shall then be able to give him a more satisfactory answer than I could give him to-day.

ANGLO-GERMAN AGREEMENT.

DR. CLARK (Caithness): I beg to ask the Under Secretary of State for Foreign Affairs whether it is the case that Sections 1 and 2 of Article III. of the Anglo-German Agreement define the boundaries of the Cape Colony and the German Territories; whether the Cape Government have been consulted as to these boundaries; and whether it is the intention of the Government to consult the Cape Ministry as to the further delimitation of the Cape Territory at Walfisch Bay, before offering a settlement, or going to arbitration, as defined in Clause 2 of Article III. of the Anglo-German Agreement?

*SIR J. FERGUSSON: As this question only appeared on the Paper to-day I must also ask the hon. Member to postpone it. Perhaps before question time is over I may be able to answer it, but I cannot at this moment.

Subsequently,

*SIR J. FERGUSSON said: Section 1 of Article 3 speaks of the Orange River as a boundary. As this made no change in the *status quo*, there was no question on which consultation was required by the Cape Government. The remainder of the section and the 2nd section do not define the boundaries of the Cape Colony; the contiguous territories belong to the Crown Protectorate of Bechuanaland, and to Khama's country, which is under Imperial protection. As regards Walfisch Bay, Her Majesty's Government have complete knowledge of the question in dispute, as stated on behalf of the Cape and on behalf of Germany. They would give the Cape Government every opportunity of strengthening their case before going to arbitration.

DR. CLARK: Was the right hon. Gentleman mistaken yesterday when he said that the Cape Colony would not be considered because its interests were not affected? As its interests are affected, will he carry out his pledge of May 19, that it is the duty of Her Majesty's Government to ascertain and give due consideration to the opinion of the colonies before the question is finally settled?

*SIR J. FERGUSSON: I have nothing to add to the very full answer I have given to the hon. Member.

P.C. MARR.

MR. SCHWANN (Manchester, N.): I beg to ask the Under Secretary of State for the Home Department whether a police constable named Marr, who, at the Manchester Assizes in December, 1888, was convicted of manslaughter, and sentenced to 18 months' imprisonment, being at the same time severely censured by the Judge for having perjured himself, has since his release been re-admitted into the Force, and is at the present time serving in the D Division of the Manchester City Police, or is on the probation list, with the view of being reinstated in the Police Force; and whether he can make any representations to the Police Authority in Manchester on the subject?

*MR. MATTHEWS: Yes, Sir; it is the fact that this man is on the probation list in consequence of there being a strong feeling among the Local Authorities that he was not guilty of the

offence of which he was accused. It is not the fact, as alleged, that he was severely censured by the learned Judge.

ERZEROUM.

MR. SCHWANN: I beg to ask the Under Secretary of State for Foreign Affairs whether he has had any further information as to the five prisoners incarcerated in the prison of Erzeroum for a full twelvemonth, namely, Bedros Athamian and four others, and as to the five prisoners imprisoned for the last three years in the gaol of Erzingian, namely, Ohannes Kaladjian, Boghos Berberian, Nichan K. Artzruni d'Eguin, Nichan Akevnian, and an Armenian priest of Seghert; whether he is aware that their only offence was having a patriotic song, written in pencil, in their wallets, which they had not published in any way, as is necessary for conviction according to Turkish law; and whether Moussa Bey has been brought to a second trial, as was reported was to be done; and, if so, what stage has the trial reached?

*SIR J. FERGUSSON: The Grand Vizier denies that there are any Christian Armenians either at Erzeroum or at Erzingian who have been kept in prison any length of time without trial. Moussa Bey has not yet been put on his trial again, but he has not been allowed to leave Constantinople.

LIBEL ACTION AT MANCHESTER ASSIZES.

MR. SCHWANN: I had intended to ask the Secretary of State for the Home Department if his attention has been drawn to the report of a libel action tried at the recent Manchester Assizes before Mr. Justice Vaughan Williams, wherein it was stated that the police had handed over to the plaintiffs in the case a petition against a house which it was alleged or suspected was used for immoral purposes, and if it is customary to treat such communications as privileged; and whether the police exceeded their duty in handing the document to the tenants of the house in question, upon which letter the case was based; but I will postpone it until another day.

OUTRAGES IN MACEDONIA.

MR. LEVESON GOWER (Stoke-upon-Trent): I beg to ask the Under Secretary of State for Foreign Affairs whether British Consuls in the Ottoman dominions enjoy the right or are granted permission to visit State prisons; whether, in that event, they ever do so; whether Her Majesty's Government are in possession of any Consular Reports upon the condition of Turkish prisons; and, should no such Reports be in existence, whether the Government will direct Her Majesty's Representative at Constantinople to request the Porte to give British Consuls facilities to test the accuracy of recent statements as to the horrible state of the prison in Uskup, and the habitual use of torture there and in other prisons of Macedonia?

*SIR J. FERGUSSON: I am now able to reply to a question put by the hon. Member for Stoke on the 31st July, that inquiries have been made with regard to the reports appearing in the *Daily News* of the 29th of July; that the manager of the Salonica Railway emphatically contradicts those statements, and states that 10 months ago two Albanian women were run down and killed by an engine, and that, in consequence, some of their relatives a week afterwards fired on a train, but did no injury, and that there has been no repetition of any such outrage. It appears, therefore, that the information furnished by the *Daily News* correspondent that the stoker and three Mussulman passengers were killed is not correct. Her Majesty's Government have received the further information that the correspondent—a German gentleman named Weitz—who was expelled from Servia last winter for inventing sensational news, did not visit Pristina, as represented by him, but only went to Nievsovitz, and returned the same day to Uskup.

ARMENIA.

MR. LEVESON-GOWER: I beg to ask the Under Secretary of State for Fnreign Affairs whether it is the fact, as stated by the *Daily News* correspondent at Erivan, in the issue of the 4th instant, that Martini-Henry rifles have been distributed by orders from Constantinople to the Kurds of Moosh, Bitlis, Van, Bayazid, and Alashgerd; whether the Turkish troops, in obedience to their instructions, shoot down any Armenians found in possession of firearms; whether the arming of Mussulmans and dis-

armament of the Christians in Bulgaria immediately preceded and occasioned the massacres in that country in 1876; and whether Her Majesty's Government propose to warn the Porte of the probable consequences of similar action in Armenia?

*SIR J. FERGUSSON: We have received no information of the statements mentioned in the first and second paragraphs. As to the third, full particulars of the events of 1876 in Bulgaria will be found in the Blue Book presented to Parliament at the time. There might be much said for and against such a statement. As to the fourth paragraph, I have already stated that I must decline to give any particulars as to communication which Her Majesty's Government may consider it expedient to make to the Porte.

THE MERCHANDISE MARKS ACT.

MR. HOWARD VINCENT: I beg to ask the President of the Board of the Trade if, having regard to the unanimity of the Select Committee upon Merchandise Marks as to the desirablity of the public prosecution either on the part of the Board of Trade or of the Commissioners of Her Majesty's Customs, in respect of offences against "The Merchandise Marks Act, 1887," and to the improbability of the House offering any serious opposition to the carrying out of such recommendation, he can introduce and pass a short Bill to that effect should legislative sanction be necessary?

*SIR M. HICKS BEACH: As I have not yet had an opportunity of seeing the Report to which my hon. Friend refers, which has not yet been circulated, I am not in a position to give an answer to the question; but when I have done so, it will be my duty to consider, in conjunction with other Departments of the Government, what course should be adopted. I am not sure that legislation would be necessary, but there would be no time to undertake it during the present Session.

THE VATICAN.

MR. CAVENDISH BENTINCK: I beg to ask the Under Secretary of State for Foreign Affairs whether, during the last Administration of the late Sir Robert Peel and subsequently, the British Government was diplomatically represented at the Papal Court of Rome by a functionary who, although nominally attached to the British Legation of Tuscany, was in fact accredited to the Pope of Rome?

SIR J. FERGUSSON: At the time referred to, and subsequently, an *Attaché* to the British Mission in Tuscany resided at Rome, and was in confidential communication with the Papal Government; but he was not accredited to the Holy See.

MR. SUMMERS: I beg to ask the First Lord of the Treasury whether there are any Papers in the Foreign Office relating to the Special Mission of the Duke of Norfolk to the Vatican in 1887; and, if there are, whether they can be laid before Parliament?

*MR. W. H. SMITH; There are some Despatches in the case of the Mission of the Duke of Norfolk, and if it is desired they could be produced, but they are purely formal; there is nothing of a political character in them.

MR. T. W. RUSSELL (Tyrone, S.): I wish also to ask the First Lord of the Treasury whether there are any Papers in the Foreigh Office relating to the Mission of Sir George Errington to the Vatican, and, if there are, whether they can be laid before Parliament?

*MR. W. H. SMITH: There is an extensive correspondence reaching from 1881 to 1885 in the Foreign Office relating to Sir George Errington's communications with the Vatican, which were left for future Secretaries of State in accordance with the undertaking given by Mr. Gladstone in 1883. As many of them relate to individuals, or to questions affecting Foreign States, they would require careful examination before any decision could be taken as to the possibility of presenting them to Parliament.

MR. A. O'CONNOR (Donegal, E.): Were there not two Missions of the Duke of Norfolk to Rome?

*MR. W. H. SMITH: The Duke of Norfolk did go twice: whether there were two Missions I cannot say.

MR. A. O'CONNOR: Were there not two separate charges against the public moneys?

*MR. W. H. SMITH: I think not.

MR. DILLON (Mayo, E.): If the right hon. Gentleman produces any Papers to the House in connection with the Duke of Norfolk Mission, will he produce all

with regard to Sir George Errington? I would remind him that when the matter was before the House recently he undertook, at the request of the right hon. Member for Mid Lothian (Mr. Gladstone) to look into the correspondence of previous Missions as well, and to consider whether they could not be brought before the House at the same time.

*MR. W. H. SMITH: It is perfectly accurate to say that I did undertake to consider whether I could produce a sort of narrative of the communications that had passed between successive Governments through the medium of gentlemen at Rome and the Vatican. That is a matter that will involve considerable labour and some time, and, therefore, I am not able to give any decision at present.

MR. DILLON: Do we understand that the matter will be considered at a future time?

*MR. W. H. SMITH: Certainly.

MR. SEXTON (Belfast, W.): With regard to the ambiguous reply of the right hon. Gentleman as to the Mission of the Duke of Norfolk, I wish to ask if he was sent to Rome twice, and received different instructions on each occasion?

*MR. W. H. SMITH: The hon. Gentleman will see that I am not prepared to answer questions of this kind off-hand. I can simply answer the question on the Paper of which I have had notice.

*SIR J. FERGUSSON: I have answered the question already. On one occasion on which the Duke of Norfolk went to Rome he had no Mission whatever from Her Majesty's Government, and the second time it was on a purely formal and complimentary Mission.

MR. O'KELLY: Will the right hon. Gentleman undertake to produce that portion of the correspondence relating exclusively to Ireland?

*MR. W. H. SMITH: I am not aware that any portion of the correspondence relates exclusively to Ireland, and, therefore, can give no undertaking of the kind.

MR. T. W. RUSSELL: May I ask the First Lord of the Treasury whether Sir G. Errington's negotiations with the Vatican from 1881 to 1885 were such as to constitute his proceedings there a Mission in the ordinary sense of the word.

*MR. W. H. SMITH: My hon. Friend will see that this is a question which is more a matter of opinion than a matter of fact. Sir G. Errington did not occupy the position of an accredited Ambassador or Minister to the Holy See, but, undoubtedly, he was the medium for making communications between the Government of Great Britain and the Holy See.

*MR. SUMMERS: Did Mr. Errington receive any appointment or any remuneration for his services?

*MR. W. H. SMITH: I believe he was made a Baronet afterwards.

CARDINAL MANNING.

COLONEL SANDYS (Lancashire, S.W., Bootle): I beg to ask the First Lord of the Treasury whether his attention has been drawn to a letter which appeared in the *Morning Post* of 14th July, from the Secretary to the Royal Commission appointed by the late Government in 1884 on the Housing of the Working Classes, in which the writer says that—

"Cardinal Manning was accorded his precedence on that Commission not as a matter of courtesy, but as a personage of princely rank;"

whether this accordance of precedence was in conformity with a precedent created in the grant of a Charter for the Royal University in Ireland by the Government in 1880; whether the concession of such precedence on a Commission appointed under the Royal Sign Manual now confers such rank and precedence upon Dr. Manning, and would confer them upon any other Cardinal appointed by the Pope to a see in Great Britain or Ireland; and whether Her Majesty's Government will take steps to prevent in future such precedence being accorded over the highest representatives of the Protestant Churches?

*MR. W. H. SMITH: I have no official knowledge of what took place in 1884 under the Government of the right hon Member for Mid Lothian, and no responsibility in respect to it. As Her Majesty's Government do not at present contemplate the appointment of any Cardinal upon any Royal Commission, it does not seem necessary to make any provisions with respect to the precedence which would be accorded to a Cardinal in such a case. The point raised in the second and third paragraphs of the hon.

Member's question is a purely legal point, which I cannot undertake to answer.

IRELAND—CASE OF MR. McCURTIN.

MR. DILLON (Mayo, E.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether an inquiry under the Criminal Law and Procedure (Ireland) Act has been instituted in the town of Tipperary; and, if so, for what purpose; and whether Mr. McCurtin was summoned to give evidence on the 29th July, and on his refusing to be sworn was committed to gaol for a week, and was taken handcuffed through the town on his way to the gaol; and, if so, for what reason handcuffs were used?

MR. JOHN O'CONNOR (Tipperary, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether, when Mr. William M'Curtin was being conveyed to Clonmel Gaol on the 29th ultimo, he was handcuffed by the police; what was Mr. William M'Curtin's offence, was he a first-class misdemeanant, and is it usual to put handcuffs on such prisoners; and what was the offence of Morgan Hayes, lately sent to prison from Tipperary, was he a first-class misdemeanant, and was he handcuffed to a prisoner who had several times been convicted of robbery?

THE CHIEF SECRETARY FOR IRELAND (Mr. A. J. BALFOUR, Manchester, E.): With the permission of the House I shall now also reply to the two questions of the hon. Member for South Tipperary on the same subject. The inquiry referred to is not one under the statute mentioned; but is the ordinary Magisterial investigation constituted and authorised in indictable cases by the Petty Sessions Act, Section 9, Sub-section 2. The questions asked witnesses are being confined to the subject-matter of the inquiry. M'Curtin was, under the powers contained in that Act, committed in custody for eight days. Handcuffs were used as a crowd was observed to be collecting, and an attempted rescue was apprehended. A man named Morgan Hayes was sent to prison for seven days, with hard labour, in default of paying a fine of 10s. for an assault on a constable when on duty. He was handcuffed to a man who was convicted at the same Court of a minor offence. No record can be found of any recent convictions against that prisoner of the nature indicated in the question.

MR. DILLON: Why were these gross indignities inflicted upon persons accused of trifling offences?

MR. A. J. BALFOUR: In one of the cases there was a charge of throwing an explosive.

MR. DILLON: The only charge against Mr. M'Curtin was that he refused to be sworn, and was sent to gaol for seven days as a first-class misdemeanant.

MR. A. J. BALFOUR: The charge before the Magistrate was throwing an explosive, and Mr. M'Curtin refused to give evidence. In other words, he refused to assist in the administration of justice.

MR. SEXTON: Can the right hon. Gentleman state any fact in justification for the belief that a rescue was apprehended?

MR. A. J. BALFOUR: Such matters must be left to the judgment of the police, who, of course, must act at the moment.

POST OFFICE SICK PAY.

MR. SEXTON (Belfast, W.): I beg to ask the Postmaster General whether full pay during sick leave has recently been granted to officers of the Post Office in England and Scotland; and whether the measure is to apply also to Ireland; and, if so, why the Belfast office has not been included in the new scheme?

A LORD OF THE TREASURY (Sir H. MAXWELL, Wigton): Yes, Sir; the new rule granting full pay during sick leave applies to Ireland, and it is already in operation at Belfast.

LICENCES IN MONAGHAN.

MR. PATRICK O'BRIEN (Monaghan, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he can explain what special circumstances influenced His Excellency the Lord Lieutenant of Ireland to interfere to procure a licence for Charles Mitchell, of Shantonagh, County Monaghan, in opposition to the wishes of the inhabitants of the locality, the clergy of various denominations, and the landlord of the townland, and the repeated refusals of the Magistrates and the County Court

Judge to grant such licence; whether he can give the name and denomination of the clergyman who is alleged to favour the granting of a licence to Mitchell, and give the number of Mitchell's customers, in addition to the inhabitants of the police barrack, the only house within a considerable distance of the licensed house, who are said to be anxious for drinking facilities; whether it is a fact that two of the three Resident Magistrates who attended the Castleblayney Licensing Sessions on the 20th July, reside outside the County Monaghan; and, if so, where do they reside; can he explain why they attended the Castleblayney Licensing Sessions; whether Mitchell's temporary retail licence will in the meantime be renewed; and whether he will advise the Lord Lieutenant not to give Mitchell any further help, either by the aid of Resident Magistrates, or by the use of His Excellency's influence with the Board of Inland Revenue, to establish what the inhabitants of Shantonagh regard as a source of demoralisation in their midst against their declared wish?

MR. A. J. BALFOUR: (1 and 2) Charles Mitchell has held for some years a spirit-grocer's and beer-retailer's licence. The granting of a temporary publican's licence to Mitchell, pending the decision to be come to on his application to Quarter Sessions, was recommended by the Lord Lieutenant in the exercise of his discretion. The application to Quarter Sessions has not been opposed by the inhabitants of the locality. Two clergymen are opposed to it, and one, the Reverend Mr. Knox, a Presbyterian, favours it. I am informed that the number of Mitchell's customers in favour of the licence could not be readily ascertained, but that the great majority undoubtedly are so. (3) One of the Resident Magistrates referred to is a Magistrate for the County Monaghan, and had been acting for some months in the Castleblayney district. He lives at Armagh. The other who is likewise a Magistrate for the County Monaghan is Resident Magistrate for the greater portion of the sub-district in which the licensed premises are situated. He lives at Virginia, County Cavan. (4) They attended as Resident Magistrates connected with the Quarter Sessions district. (5) The temporary licence has been renewed until the hearing of the application at the Annual (October) Licensing Sessions.

REVISION COURT, MONAGHAN.

MR. PATRICK O'BRIEN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that great inconvenience and loss is caused to the inhabitants of portions of the Emyvale district of the North Monaghan Parliamentary Division who have to travel a distance of 18 miles to attend the Revision Court held in Monaghan; and whether, as Emyvale is a Petty Sessions district, with a population of about 9,000, he will cause a Revision Court to be held there?

MR. A. J. BALFOUR: I fear I cannot add anything to the reply given to a similar question on this subject asked by the hon. Member on 6th September, 1886. Since that date no new circumstances have come under the notice of the Government tending to alter the decision then come to. The decision then arrived at was stated by the then Attorney General for Ireland (Mr. Holmes, Dublin University), who said—

> "The places for holding Revision Courts are not determined by the Revising Barristers, but by the Lord Lieutenant in Council. In selecting the places the convenience of the electors and the suitability of the accommodation are carefully considered, regard also being had to the fact that every additional Court imposes an additional charge on the ratepayers. Careful inquiry was recently made as to the expediency of holding Revision Sessions at Emyvale and Scotstown. It appeared, however, that Monaghan, which is the market town of these districts, was probably the most convenient place for a large proportion of the voters residing therein; and as regards those at a greater distance, the Revising Barrister, by taking their cases first, was able to dispose of them on the first day of the Sessions. In any case, it is too late to make any change before the next Revision."

EVICTIONS ON BLASKET ISLANDS.

MR. DILLON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether the Sheriff is bound to find means of conveyance for himself and his men when he is going on eviction duty, or to seize under a decree; and, if so, on what ground ships of Her Majesty's Navy are placed at the disposal of the Sheriff and his officers when going to evict tenants, or to seize for rent, on islands off the coast of Ireland?

MR. A. J. BALFOUR: The Sheriff, under ordinary circumstances, is bound to find the means of conveyance for himself and his assistants to effect evictions; but where the forces of the Crown are requisitioned to secure the carrying out of the law in cases where the opposition to the evictions would otherwise render its enforcement impossible, the Government have decided that the Sheriff may be afforded accommodation in Her Majesty's ships for himself and assistants, with the protecting police force when they have to proceed by sea, the Sheriff, as already explained, paying the expenses of subsistence for his party.

MR. DILLON: As this is a very important question, I wish to ask the Home Secretary if it is true that the gunboat *Britomart* took away from Blasket Islands the property of the fishermen; and whether Her Majesty's Government have determined not only to assist in carrying out evictions, but also to despoil the fishermen of their property?

MR. MATTHEWS: I am afraid that I must have notice of the question.

CASTLE ISLAND, CORK.

MR. DILLON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether four policemen have been stationed for more than a year on Castle Island, off the West Coast of Cork; for what purpose are they stationed there; whether it is a fact that these policemen dig potatoes for the emergency men in charge of Mr. Mullasmion's evicted farm, row these emergency men into Schull, and do other work for them; and whether he can state how much it costs to maintain these four policemen?

MR. A. J. BALFOUR: The Constabulary Authorities report that three policemen have been stationed on Castle Island since the 17th April, 1889. The strength was increased to four men in April, 1890. They are stationed there for the protection of Mullasmion's two caretakers and a neighbouring farmer who paid his rent, and on whose property outrage has been committed. The police do not dig potatoes for the emergency men. Having to accompany the caretakers to and from the island, they assist in rowing the boat in which all are conveyed. The police do not work for these caretakers. Approximate cost, since the formation of the protection post, £235.

DEATH THROUGH NEGLECT.

DR. FITZGERALD (Longford, S.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if his attention has been called to the death of Bridget Hoban, of Coolarn, Ballinatimon Union, County Mayo; if he is aware that the death has been caused through the neglect of the officials of the Union; that when the husband of the woman went to the doctor with an order to attend the wife on the 2nd of July, the doctor told him to go to hell; and if he will cause inquiry to be made into the circumstances of this case?

MR. A. J. BALFOUR: I cannot find that there is any Union in Ireland of the name mentioned. If the hon. Member will renew the question, stating the correct name of the Union and the name of the Medical Officer against whom the allegation has been brought, the necessary inquiries shall be made.

COLLEGE OF SCIENCE IN DUBLIN.

MR. SEXTON: I beg to ask the Vice President of the Committee of Council on Education whether, notwithstanding the intimation conveyed in Mr. Ward Hunt's letter to Mr. Corry, of the 11th January 1867, namely, that the Treasury concurred in the arrangements proposed for placing and maintaining the College of Science in Dublin in a state of efficiency, the proposed arrangements have never since been made, although continual applications to that effect have been received from the Dean and Council of the College; whether the last memorial in December, 1889, of the Dean and Council on the subject correctly represented that the development of the College renders it urgently necessary to extend the buildings so as to relieve the congested condition of the laboratories and library, and to meet the requirements of the yearly increasing number of students; that new chemical and metallurgical laboratories and a new lecture room are required; that the attendance of students in the college is limited by the insufficiency of the present accommodation; and that the work of professors and students is interfered with, and rendered difficult by

overcrowding, want of proper ventilation, bad lighting, and by the grave structural defects and general unsuitability of the buildings; and whether steps will now be taken to make such extensions and improvements as the health of the staff and students, and the interests of the College, urgently require.

*THE VICE PRESIDENT OF THE COUNCIL (Sir W. HART DYKE, Kent, Dartford): I am most anxious to see the College of Science developed and made thoroughly effective, which cannot be the case so long as the difficulties referred to in the second paragraph of the hon. Member's question exist, and I am in communication with the Treasury on the subject.

IRISH WITNESSES EXPENSES.

MR. PATRICK JOSEPH O'BRIEN (Tipperary, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that, although John Moonan, of Drogheda, was allowed 10s. expenses by the Crown Solicitor, Mr. Caraher, for attending as a witness at the Drogheda Quarter Sessions on the 22nd April last, and Mr. Thomas Brady, Drogheda, Moonan's employer, was allowed the same amount for similar attendance, Sergeant Harbourne, of Drogheda, got cash order for these sessions, and paid Mr. Brady his expenses, but converted Moonan's 10s. to his own use; and whether he will inquire into the circumstances of the case?

MR. A. J. BALFOUR: The Constabulary Authorities report that the allegation that Sergeant Harbourne converted Moonan's expense allowance to his own use is without foundation. The Sergeant handed both cash orders to Mr. Brady.

THE ROYAL IRISH CONSTABULARY.

MR. HENRY J. WILSON: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland where information can be found showing the extent to which the recommendations of the Royal Irish Constabulary Committee of Inquiry of 1888 have been acted upon?

MR. A. J. BALFOUR: As stated in reply to a question put by the hon. Member on August 6, 1889, the recommendations of the Committee of Inquiry of 1883, to which it is assumed the present question refers, were dealt with partly by the statute 46 & 47 Vic. c. 14, and partly by Departmental regulations. As then stated, the hon. Member can have a Return on the subject if he will put the necessary notice down on the Paper.

MR. JASPER TULLEY.

DR. FITZGERALD: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that Mr. Jasper Tulley, Editor of the *Roscommon Herald*, now a prisoner in Tullamore Prison, is suffering from diarrhœa; that he is still sleeping on a plank bed; that he is stripped naked for a portion of each day; and that his life is in danger; and whether he can take any steps to secure an alteration of the treatment of this prisoner?

MR. A. J. BALFOUR: I have not yet received a special Report on this question, but the allegations therein contained appear from another Report I have received to be unfounded. If, however, the hon. Member will repeat the question I shall obtain further information.

DR. FITZGERALD: Since a similar question was answered yesterday, I telegraphed to Tullamore for information, and I have received a telegram in reply stating that the facts are true. I will put a further question on Monday.

GRANTS UNDER THE EDUCATION CODES.

COLONEL LLOYD ANSTRUTHER (Suffolk, Woodbridge): I beg to ask the Vice President of the Committee of Council on Education whether it is correct, as stated in a letter to the *Times* by the Rector of Baylham, Suffolk, that it is the intention of the Department to withhold the £10 grant under Article 105 from schools which already obtain a special grant under Article 104?

*SIR W. HART DYKE: The letter from which the Rector of Baylham quotes was, I regret to say, due to a misapprehension on the part of an officer of the Department, and I am glad of this opportunity of again stating that the grant of £10, under Article 105 and Section 2 of the Code Act, 1890, will be in addition to any special grant obtained under Act 104 and Section 19 of the Elementary Education Act, 1876.

MR. SWINBURNE AND THE CZAR.

*MR. P. O'BRIEN: I beg to ask the First Lord of the Treasury a question of which I have given the right hon. Gentleman private notice. It is whether his attention has been called to a poem by Mr. Algernon Charles Swinburne in the current number of the *Fortnightly Review*, containing a direct incitement to the assassination of the Czar; whether any representation relative to this publication has been made to Her Majesty's Government by the Government of Russia, and whether Her Majesty's Government intend to prosecute Mr. A. C. Swinburne or the publisher or printer of the *Fortnightly Review* for this gross incitement to assassination of the Sovereign of a friendly nation. Perhaps I may be permitted to read an extract. It says—

"Night brings but one red star—tyrannicide!"——

*MR. SPEAKER: Order, order! This House has no control over a poet's opinions.

*MR. W. H. SMITH: This question is an illustration of the inconvenience of asking questions without putting a notice on the Paper. I received private notice from the hon. Member about a quarter of an hour ago that he would ask the question. I inquired of my right hon. Colleagues near me whether they had seen, or read, or heard of the publication, and I could not find that any of them had. A question of this consequence ought to have been placed on the Paper in the ordinary way if it was necessary to ask it.

*MR. P. O'BRIEN: I will put it on the Paper.

LORD DARTMOUTH AND MR. HANBURY—PRIVILEGE.

MR. HANBURY: I wish to ask, with your permission, Sir, and the permission of the House, to make a statement on a matter of privilege, which need not form a subject of full discussion. It may be within the knowledge of some Members of the House that in the course of last week a letter was published in the *Times* signed "Dartmouth, Lord Lieutenant of Staffordshire." In that letter, as it appeared to me, Lord Dartmouth presumed to pass a censure upon me as a Magistrate of Staffordshire in his capacity of Lord Lieutenant, in connection with a subject in no way relating to any Magisterial duty, but for a speech actually made in my place in this House. On the next day Lord Dartmouth, on seeing his letter in print, somewhat hurriedly it seems, wrote another letter to the *Times*, explaining his first letter and conveying what purported to be his real meaning. I feel sure that this was a generous attempt to remedy the first error, but, unfortunately, it seems to have failed still more to express clearly what was really meant. The error admitted as to the first letter unfortunately characterised the second also. I therefore thought it my duty to send Lord Dartmouth the following telegram:—

"Expect letter from me to-morrow. Yours to-day makes case worse."

Thereupon that same evening I despatched a letter to Lord Dartmouth, expressed in decided and perhaps vigorous language, which I do not know that it is necessary, so far as relates to Lord Dartmouth, to make public, in view of what I think the thoroughly satisfactory explanation which I am now enabled to read to the House. My letter reached Lord Dartmouth on Sunday morning, and on Monday morning I received the following letter:—

"Patshull House, Wolverhampton, Aug. 3.

"Dear Sir,—I beg to acknowledge the receipt this morning of your letter of yesterday, and, in the first place, to express my regret at having given you cause to complain of want of proper consideration on my part for not communicating to you my intention to comment on your speech with reference to the action of the officers of the Guards in not returning the salutes of their men—in a letter to the *Times*. I, therefore, consider it my duty to offer you my apologies for this omission. Next I have, very decidedly, to assure you that I have no intention to pass any official censure as Lord Lieutenant of Staffordshire upon your action in Parliament, my sole object having been in alluding to my official position to emphasise my protest against that action, and I consider that I was protesting against your censure of the officers in my first letter. This really is all I have to say by way of explanation on this part of the matter, having had no wish whatever to question your privilege as a Member of the House of Commons. With regard to my second letter to the *Times*, published yesterday, I desire to explain that it was the result of a comment made to me personally that I had seemed in my (first) letter to express my regret that you were a Magistrate for Staffordshire, and this being entirely contrary to my meaning, I thought it right to supplement my first letter by my second. I go on

to ask you to read the enclosed letter which I yesterday prepared to send to the *Times*, but did not post, thinking that after your telegram I had, on the whole, better wait for the letter from you which you led me to expect, but I do not now intend to despatch that letter, although I will ask you to return it at your convenience. No doubt you will gather from it that, under no pressure whatever, I repudiated any intention to pass any official censure upon you, and I have further to add that I claim no right as Lord Lieutenant to censure any Magistrate for speech or conduct, public or private, being well aware that it is not in my power to do so. This will, I hope, satisfy you that I never thought of interfering with your privileges, either as a Member of Parliament or a Magistrate. Merely adding that my private opinions upon the subjects as to which I wrote my letter to the *Times* of the 30th of July remain unaltered,

I beg to remain, dear Sir, faithfully yours,

DARTMOUTH."

"Robert W. Hanbury, Esq., M.P."

"P.S.—I should, I think, add that, having consulted no one on the subject of writing my protest to the *Times*, I am solely responsible for the letters which have appeared with my signature. DARTMOUTH."

I was doubtful as to the exact meaning of that last paragraph, and I received the following explanation of it:—

"Regret to find myself again misunderstood; never intended to express regret at your being a Magistrate for Staffordshire, which I do not feel privately. DARTMOUTH."

That is a very full and very complete explanation, and in its completeness it is certainly most honourable to Lord Dartmouth. It is honourable, I maintain, to make a frank admission even of mistakes much greater than this; and I feel sure that the House will be perfectly ready to receive and to accept with equal frankness so full an admission. With regard to myself and my humble share in the matter, I may say that my sole desire has been to fulfil what is almost my first and highest duty—to see that this House suffers no injury or disrespect from any action or neglect of mine as a Member. I hope, therefore, the House will consider that I acted rightly in firmly, but, I hope, courteously, requiring a complete recognition of its undoubted rights.

PRISON CLERKS.

MR. T. P. O'CONNOR (Liverpool, Scotland): I beg to ask the First Lord of the Treasury whether it is a fact that the Lords of the Treasury have for some time past been expecting to receive proposals from the Home Office as to the status of clerks in Her Majesty's Prisons; and whether they have also been endeavouring to obtain a Report from the Departmental Committee appointed no less than four years ago?

*MR. W. H. SMITH: The Treasury has now received the papers referred to by the hon. Member.

SAVINGS BANKS BILL.

MR. LABOUCHERE: I wish to ask what the intention of the Government is with regard to the Savings Banks Bill in view of the opposition which has developed against it?

MR. STOREY: As the First Lord of the Treasury appeared to complain of my action with reference to this Bill, I may say that I have received communications from several large Savings Banks suggesting a series of Amendments. One of my correspondents says—

"You are accused of obstruction in this matter, but the Bill requires careful consideration in Committee."

I am acting in conformity with the view thus expressed.

MR. LENG (Dundee): May I ask whether the First Lord of the Treasury is aware that the unexpected withdrawal by the Chancellor of the Exchequer of Clause 11, as it appeared in the original draft of the Bill, has caused the greatest dissatisfaction among the best class of Savings Banks, and that there is a strong desire among them that the Bill should be maturely considered in another Session of Parliament?

MR. HOWELL (Bethnal Green, N.E.): Was this Bill introduced for the purpose of dealing with the actuaries, secretaries, and officers of the banks, and to safeguard the interests of depositors?

MR. SHAW LEFEVRE (Bradford, Central): I believe that the great majority of Members on this side of the House are sincerely anxious to pass the Bill into law this Session.

MR. BUCHANAN (Edinburgh, W.): May I ask whether the Chancellor of the Exchequer has not received communications from large Savings Banks in Edinburgh and Glasgow which are opposed to some details of the measure, but which are, on the whole, satisfied with the Amendments which the Government have introduced?

MR. A. O'CONNOR: Do the Government propose to deal differently with Ireland in respect of Savings Banks?

*MR. W. H. SMITH: I do not know whether any other hon. Gentleman wishes to put a question to me. The hon. Member for Sunderland (Mr. Storey) appears to complain of the tone which I have used in making some observations on a previous occasion with reference to this Bill. If I used stronger language than was just in the circumstances, I am sorry for it. The Government really thought that this was a Bill which might have been received by the House with favour, as it was intended to secure and safeguard the interests of depositors. In securing the interests of depositors, they were also securing the interests of the officers of the banks, who were identified with the depositors, because it is obvious that if the bank were unsuccessful the officers associated with it must share in the failure also. Communications have reached the Government from Scotland, and I have now before me a letter from a Glasgow Savings Bank which states that, with the slight alterations which the Government propose, the Bill would satisfy the Trustees, and they hope that it will pass the House.

MR. STOREY: What is the date?

*MR. W. H. SMITH: The 2nd of August. I do not doubt that there is a considerable opposition to the measure on the part of some hon. Members, and the Government are aware of it. Those hon. Members believe that the interests of the banks are affected by the measure. I stated last week that the Government could not force the measure through against a serious and protracted opposition at this period of the Session. If hon. Members who oppose the measure are still of opinion that they must protract the discussion and debate the measure in Committee, then the Government cannot ask the House to prolong its sitting. I regret this, but I still entertain the hope that hon. Members may, on re-considering the subject, find it to be possible to withdraw their opposition. The Government did intend to extend the benefit of the Bill to Ireland, but it was stated the other day that if it was objected to by the Irish Members it would not be so extended. It is a matter for the Irish Members themselves; if they desire to have the Bill, it will be extended to Ireland. I think that three or four months' delay in passing the measure would do harm, but if hon. Members feel it to be their duty to persist in opposing the Bill the Government have no alternative but to withdraw it for the present Session.

MR. A. O'CONNOR: If there is to be one law for England and another for Ireland the Irish Members will oppose it.

MR. STOREY: May I explain that I have received a letter from a Glasgow Savings Bank, urging that Clause 11 should be struck out, and other letters from different parts of the country pressing for Amendments in all directions.

*MR. CHILDERS: I do not think the answer of the First Lord of the Treasury on the subject of the Savings Banks Bill was quite conclusive. It appeared to leave open the possibility of the Bill being proceeded with. I have, with an hon. Friend on this side of the House, taken pains to ascertain the facts, and I have found that from the Opposition side of the House there is practically only one gentleman who has put Amendments on the Paper, the greater part of the opposition to the Bill coming from hon. Gentlemen on the Ministerial side, who are more or less within reach of persuasion, and in these circumstances I ask the right hon. Gentleman to reconsider his decision, the Bill being one of the very greatest importance. The other Amendments which come from this side, save those of the single Member to whom I have referred, are only two in all, involve no principle, and could be disposed of in 10 minutes.

MR. STOREY: It is an extraordinary proceeding on the part of the right hon. Gentleman to assume that because Amendments stand in the name of one gentleman therefore the opposition is by one gentleman. There are a number of——

*MR. SPEAKER: Order, order! This is becoming a Debate. There is no question before the House.

MR. TOMLINSON (Preston): I would ask whether it would be possible to have the Amendments considered by the Standing Committee?

*MR. W. H. SMITH: In answer to the question addressed to me by the right hon. Gentleman opposite, I can assure him that the Government are most anxious to see the Bill passed into la

I am afraid, however, the opposition to the measure is more extensive than he appears to imagine. As far as my hon. Friends behind me are concerned, I am quite prepared to say on their behalf that they will withdraw their Amendments if it will in the slightest degree insure the passing of the Bill. I will make one further attempt this evening in order to ascertain whether, without protracted Debate, it will be possible to carry the Bill. If I am unsuccessful I shall deeply regret it, but the only course then will be to withdraw the Bill for the present Session.

DUBLIN CORPORATION BILL.

MR. SEXTON: I beg to ask whether it was by the direction or with the sanction of the Government that the Collector General of Rates of Dublin, an officer of the Lord Lieutenant, appeared before the Committee of the House of Lords to-day in opposition to the insertion in the Dublin Corporation Bill of clauses drawn up by the Government themselves, and in consequence of which the clauses have been thrown out?

MR. A. J. BALFOUR: I do not, of course, know what happens in the Committees of the House of Lords, but in this instance I have heard with very great regret that the Committee of the House of Lords have thrown out clauses which the Government desired to see introduced into the Bill. Certainly no official of the Government has appeared before the Committee against the proposals of the Government.

MR. SEXTON: Is the right hon. Gentleman not aware that the Collector General of Rates of Dublin gave evidence against the clauses?

MR. A. J. BALFOUR: What was extracted from him in cross-examination I do not know.

MR. SEXTON: I would ask whether the Government intend to move in the House of Lords to re-insert the clauses in the Bill?

MR. A. J. BALFOUR: I shall have to consider that question.

COPYRIGHT IN THE COLONIES.

Return ordered—

"For the years 1879 and 1880, 1881 and 1882, 1883 and 1884, and 1885 and 1886, of all Moneys received by the Treasury in each Colony that has passed an Ordinance protecting Copyright Proprietors, under the Act 10 and 11 Vic. c. 95, supplemented by the Act 39 and 40 Vic. c. 36, ss. 42, 44, and 102, in the following form:—

Names of Copyright Proprietors on whose behalf the Duties have been collected.	Colonies in which the Duties have been collected.													Total amount received.
	Antigua.	Bahamas.	Barbados.	Bermuda.	British Guiana.	Canada.	Cape of Good Hope.	Grenada.	Jamaica.	Mauritius.	Natal.	Nevis.	Newfoundland.	St. Christopher.	St. Lucia.	St. Vincent.	Trinidad.	

—(*Mr. William Cavendish Bentinck.*)

MESSAGE TO THE LORDS.

METROPOLITAN HOSPITALS, &C.

Ordered, That a Message be sent to the Lords to request that their Lordships will be pleased to communicate to this House, a Copy of the Report, &c. of the Select Committee on Metropolitan Hospitals, &c., with the Proceedings of the Committee and Minutes of Evidence.—(*Mr. Ritchie.*)

MESSAGE FROM THE LORDS.

That they have agreed to,—Customs Consolidation Act (1876) Amendment Bill, with an Amendment.

MOTION.

BUSINESS OF THE HOUSE (GOVERNMENT BUSINESS.

Motion made, and Question proposed,

"That, for the remainder of the Session, Government Business may be entered upon at any hour, though opposed, and shall not be interrupted under the provisions of any Standing Order regulating the Sittings of the House. —(*Mr. William Henry Smith.*)

(4.38.) MR. LABOUCHERE (Northampton): I am not surprised at this Motion being made on the part of the First Lord of the Treasury, for after the attacks the right hon. Gentleman has repeatedly made on the Rules of the House, nothing that he can do in this direction forms, in my mind, subject for surprise. Of late, the First Lord of the Treasury and many of his Colleagues have been girding at us as though we were responsible for the terrible state into which public business had fallen. [*Ministerial Cheers.*] I thought that would elicit the usual cheer from hon. Members opposite, and as hon. Gentlemen opposite appear to endorse that view, it will be necessary to throw a little daylight on the question who is really responsible. I suppose that even hon. Gentlemen opposite will admit that this Session has been wasted. ["No, no!"] Well, I was curious to know that, because I follow with great interest the speeches hon. Gentlemen deliver up and down the country. One day I read in their speeches that owing to us on this side of the House the Session has been entirely wasted, and then, next day, I read a speech from another hon. Gentleman on the opposite side, to the effect that there never has been such a wonderful Session, and that the Ministry has covered itself with honour. ["Name!"] Who says this? Why, all of you. [*Cries of* "Divide!"] If hon. Gentlemen are anxious that the Session should end at a reasonable time, they will do well not to cry out "Divide!" and so try to prevent hon. Gentlemen on the Radical side from speaking, for we intend to do our duty, and, for my part, when hon. Gentlemen opposite cry "Divide!" it only leads me to believe that I am doing my duty, and makes me feel that I ought to do my duty still more fully. Unquestionably the Session has been wasted. Not even the ordinary business has been taken in reasonable time, and the question is, whose fault is it? I should say that it is the fault of Her Majesty's Ministers. They have frequently been accused of it, even by their own followers and their own organs in the Press, which charge them with having muddled the business of the House. What have they done? They have announced certain Bills in the Queen's Speech, they have brought them in, and there seems to have been a sort of rivalry amongst them, each Member of the Government wishing to bring forward his own measure before that of his Colleague. The Chancellor of the Exchequer entered the lists, and suddenly came forward with the Compensation Bill, but everything failed to pass. There was a considerable amount of discussion on all the Government Bills on both sides of the House, and after wasting a great number of days on them Ministers withdrew them. There is only one advantage to the country that has been gained by the present Session. At the commencement of the Session Ministers were going about the country and really persuading some people that although their politics were not sound they were good men of business. I think the bottom has been entirely knocked out of that illusion. I do not think that even their own supporters regard them as good men of business at this moment. We are told that we are responsible for what has happened, and that the failure of the business of the Session is due to our obstruction. The right hon. Gentleman the Member for West Birmingham the other day said that Ministers had done a great deal of good, but had been prevented from passing many of their excellent Bills owing to inveterate, professed, and avowed obstruction. I am perfectly ready to admit that when Bills are brought into this House which, practically, are raids on the public Treasury, it is the duty of Members on this side of the House to offer them a most strenuous opposition. It is their duty, when the forms of the House are used again and again to crush out discussion on this side, that we should use on our own part all the forms of the House in order to have discussion. But, Sir, as a matter of fact, there has been no obstruction this Session, for the simple reason that there has been no need of obstruction. All that is needed is to leave right

hon. Gentlemen alone. Ministers have obstructed each other, and they are themselves responsible for the failure of legislation. We have at present one Bill before us—the Police Bill—and the First Lord of the Treasury complains that there has been obstruction in regard to that, but the right hon. Gentleman the Member for Derby pointed out in the early days of the Bill that if it were referred to a Standing Committee it would have to be fully discussed on Report when it came down to the House. They have put the Bill off to the last days of the Session, and now they complain of that which the right hon. Gentleman the Member for Derby, with great prescience and knowledge of the House, foretold would take place. We may put aside the Police Bill, which will pass to-day or to-morrow, and there will then be no measure of a controversial character before us. But what is more important is that only one-half of the Estimates have been carried, although that is the primary business of the House. In order to be fairly discussed they ought to be brought in at a fair and reasonable time. Last year the Government put off the Estimates to the end of the Session, and when complaint was made of this the right hon. Gentleman pledged himself that this Session the Estimates should be brought forward at an early period, and that certain Votes which are usually put down at the fag-end of the Estimates should be taken first. Has that pledge been kept? Most unquestionably it has not been kept. We have reached now the last dying days of the Session, and we are still left with one-half of the Estimates undisposed of, and the right hon. Gentleman the First Lord of the Treasury, not satisfied with having placed them in the position of being scamped, now insists on their being taken at a late hour of night when the Debates cannot be reported, and when hon. Members who wish to express their views will be met with cries of "Divide, divide!" That is adding insult to injury. On what ground does the right hon. Gentleman ask for this? On the ground that hon. Members are fatigued; and he asks us to adjourn shortly, because we are going to meet again in November. Well, we never asked the right hon. Gentleman to call a meeting of the House in November, and the proposal was not received with rapture even by hon. Members opposite. Why is it proposed to meet in November? In order that we may adjourn next year somewhere about the beginning of July. We are asked, in fact, to sit up all night now in order that we may adjourn early in July, 1891, instead of in August. I trust the government of the country will be in other hands in July next, and it will not be for the present Ministry to decide how long we are to sit. No Ministry has ever fallen so low as this one. They have done absolutely nothing. They are condemned by their own organs, and there is almost a mutiny amongst their own followers. Really, when I see them sitting there struggling against their followers and opposed by everybody, I do feel a sort of pity for them. Obstruction has not been necessary, but, for the sake of argument, I will assume that there has been obstruction, and that they have been prevented by it from carrying out their plans. Then, I say, I am rejoiced to think that it has been so useful. When I think of the Irish Land Purchase Bill, the Tithes Bill, and the Compensation Bill, I am thankful that hon. Gentlemen opposite have so good an opinion of us as to imagine it is owing to our action that such excellent results have been obtained. If you say the Session has been a failure owing to us, it appears that our tactics have been successful. The country is utterly sick of the present Parliament, and regards it as thoroughly played out. The Liberal portion of the constituencies look to us on these Benches to prevent as much mischief as we possibly can, but what they aspire to is a General Election. Surely the Government are not going to—I may say—throw pearls before swine—to throw legislation before those who will not pass it. I have been asked when there will be a General Election, and I have said not while the present Government can prevent it. They "lag superfluous" on that Bench, and they will continue to lag there superfluous. I say that Estimates ought not to be relegated to the end of the Session, and then discussed after midnight. I shall divide against the Motion, as a protest against the mode in which Ministers conduct business, and against the way in which they put off the Estimates till the last days of the Session, and then try and

force them through in a more rapid way than is absolutely necessary.

(4.54.) MR. E. ROBERTSON (Dundee): Whatever be the intention of this Motion its effect will be to punish the Scotch Members. I suppose the discussion on the English Police Bill will finish at 12 o'clock to-night, and then the Government propose to start the Scotch Police Bill.

*MR. W. H. SMITH: No, no.

MR. E. ROBERTSON: The difficulty in which the House is placed in regard to these two Bills is owing entirely, in my judgment, to the rejection last Saturday of the Motion made to send the two Bills to the same Committee, so that they might be considered side by side, the measures being to a large extent identical. If this course had been accepted, probably by this time we should have been two-thirds through both of them. The right hon. Gentleman the Member for Edinburgh (Mr. Childers) said on Saturday he had made inquiry among the Scotch Members and found that four out of five of them desired the immediate passing of the Scotch Police Bill. I have made inquiries, and I find that the statement made by the Scotch Members was not that they desired the Bill to pass this Session, but that if it came on at all it should be immediately after the English Bill. That was not the statement made on Saturday.

*MR. CHILDERS (Edinburgh, S.): That was the statement I made on Saturday.

MR. E. ROBERTSON: Then it had no relevance to the appeal I made to the right hon. Gentleman.

*MR. CHILDERS: I stated three times that we were asked to ascertain whether it was the wish of the Scotch Members that the Scotch Bill should follow the English Bill or whether Scotch Supply should come first. The answer from the great majority of Scotch Members sitting on this side was that the Scotch Police Bill should come first. I doubt whether at the outside eight Members were of a different opinion.

MR. E. ROBERTSON: I am glad of the explanation. I did not gather that from what was said on Saturday. I hope that the appeal made on Saturday may be renewed now with more success than it met with then. The Amendment of my hon. and learned Friend the Member for Aberdeen will give the right hon. Gentleman an opportunity of stating his views on the subject. I do trust, having regard to the entire absence of consideration of this Bill by the Scotch people, that the First Lord of the Treasury, in order to facilitate the progress of business in this House, will provide for the suspension of this Bill. The First Lord has conferred many favours on Scotch Members, and I hope he will add another to the favours he has bestowed upon them.

*(5.2.) MR. CAVENDISH BENTINCK (Whitehaven): I do not rise to answer the speech of the hon. Member for Northampton, and I think he can have little confidence in what he himself said, seeing that he has left the House; but I have been in the House for a good many years, and have never known a Session when it has not been said by somebody that it had been wasted through the fault of the Government. I entirely approve the proposal to suspend the Standing Order for the rest of the Session, and I wish I could induce my right hon. Friend to carry his Motion still further, so as to get rid of the Standing Order altogether, because I am satisfied that such hard and fast rules do not conduce to the efficient transaction of business. As to the Scotch Members they have taken up a great deal of time, far more than their fair share. I remember Lord Sherbrooke, then Mr. Lowe, saying "Confound these Scotch Members. I really think there ought to be one Scotch Member with 60 votes." If an arrangement of that kind could be made, there is no doubt that business would be got through with much greater despatch. I urge upon the First Lord of the Treasury that he should consider seriously whether next Session he could not do something to amend the blunder that had been perpetrated in establishing this hard and fast 12 o'clock rule. It might, for example, be made for a later hour than 12, or, at all events, not allowing it to stand exactly as it is at present.

(5.10.) SIR G. TREVELYAN (Glasgow, Bridgeton): I do not know that the right hon. Gentleman who has just sat down has thrown much light on the subject, or done anything to conciliate Members sitting on this side of the House. I will say a word or two on

this proposal, which I look upon as one for the convenience of the House. But, first, with regard to what was said by the hon. and learned Member for Dundee. The opinion of a great number of the Scotch Members was this: that if the Government intended to proceed with the Scotch Police Bill, it would be convenient that it should be proceeded with immediately after the English Bill. That opinion was expressed to the First Lord of the Treasury, who received and acted upon it in perfect good faith and courtesy. Now, I will say a word or two on the question whether the present proposal of the right hon. Gentleman is justified or not. There is a very dangerous tendency on the part of leading men of the Party opposite to lay the blame for the disasters of the Session on this side of the House. Against that I must emphatically protest. I hold that the Government when they bring forward an important Bill are bound to pass that Bill or to go out. A very great number of days, I think 25, have been spent over the financial proposals of the Chancellor of the Exchequer, and what has been most disputed in those proposals has been dropped in consequence of the opposition from this side of the House. No Government that I can remember has ever dropped the principal, the only great Bill of a Session, without going out or dissolving. ["What about the Compensation for Disturbance Bill?"] That was the House of Lords. I do not see why we should be alarmed at the proposal of the leader of the House, for no Bill to which hon. Gentlemen are strongly and keenly opposed will be more likely to pass in consequence of the adoption of the Motion. If the Government have mismanaged business, why should the House of Commons be punished, and it will be punishing the House of Commons not to permit this latitude in respect of the transaction of business, for if it is not allowed the Session must be prolonged. But I think that the Government ought to give a pledge that the power which they obtain will be used reasonably. The House, it should be remembered, meets now at 3 o'clock in the day, and it is a serious matter to sit very far into the night. Very important business, like the Scotch Police Bill, ought not to be taken at such a time as will necessitate any large part of the discussion being continued after 12 o'clock. If there is that honourable understanding, though I can understand hon. Members voting against the proposal for various reasons, I trust on this occasion they will vote in favour of that which is for the convenience of the House.

*(5.14.) THE FIRST LORD OF THE TREASURY (Mr. W. H. SMITH, Strand, Westminster): I think it will be convenient to hon. Members that this question should be decided without much further debate. The right hon. Gentleman opposite asks me to give an undertaking that we shall use this power reasonably. I may at once say that the Government have no intention of using the power unreasonably. It must be obvious to the House that considerations of convenience demand that during these remaining days, or weeks, or perhaps months, of the Session we should at least have power to proceed after 12 o'clock with reasonable Bills to which no section of the House objects, but to which individual Members may object on the ground that to consider them would be to make progress with public business. It is most undesirable that at this period of the Session it should be in the power of hon. Members to terminate a discussion at 12 o'clock without finishing the business the House had entered upon. The House is very well aware that on many occasions questions have been fully discussed and were really ripe for decision by the House when that hour arrived, and so fresh debates arose when the House met the next day. I trust, therefore, that the House, taking into consideration the convenience of the House and the advancement of public business, will consent to the suspension of the 12 o'clock rule. With regard to the Scotch Police Bill, the hon. Member for Dundee assumed that we should bring in that Bill after 12 o'clock. I admit at once that it would be an outrage to ask the House to go into Committee for the first time on the Scotch Bill after 12 o'clock, and I am sorry that the hon. and learned Gentleman should have supposed that we could be guilty of such an outrage. It might be possible to ask the House to complete that Bill after 12 o'clock with a view to making progress with the business of the House, but we should not think of asking

the House to begin the Bill after 12 o'clock. The hon. and learned Gentleman referred to a conversation that took place on Saturday with regard to the Scotch Bill, and to some observations of the right hon. Gentleman the Member for Edinburgh with regard to the Bill. I have taken steps to ascertain what was the view of hon. Gentlemen opposite on the subject, and I was assured by the right hon. Gentlemen the Members for Bridgeton and Edinburgh that it was the main desire of the Scotch Members that the Scotch Bill should follow the English Bill. I did not realise the contingency which the right hon. Gentleman the Member for Bridgeton has suggested now. I put a reasonable interpretation on the information which was conveyed to me, and that interpretation was that the great majority of Scotch Members did desire that the Bill should be dealt with in the course of the present Session, and should follow the English Bill; and I think I only attribute a plain meaning to the English language when I attribute that meaning to the information I received. We have had from the hon. Gentleman the Member for Northampton a speech which I have heard before. The hon. Gentleman expressed that extreme sensitiveness which belongs to his nature, lest anyone should malign him and suggest that he is the author of obstruction in this House. The hon. Gentleman seemed anxious that the people in the country should not attribute to him that he is capable of carrying into practice those declarations which he occasionally makes from his place in the House when he assures us that he will render to the Government every possible opposition and make use of every form of the House in order to defeat their measures—because, even if they are good measures, they proceed from a bad Government. Well, Sir, the hon. Gentleman reminds me of the old proverb, *Qui s'excuse s'accuse.* I have no doubt that his *apologia* will be read in the country, and will produce the conviction that it is "Truth," and the hon. Member will be able to pose, not only as a hero, but possibly as a martyr in the discharge of his duties, and in the protection he will give to the country against the iniquities of Her Majesty's Government, and the necessity he finds for exercising a watchful care over their doings. The hon. Gentleman attributes to me and my Colleagues on this Bench differences which he has created in his own imagination. All that has been done has been done as the act of the Cabinet and of the Government as a whole, and the hallucination under which the hon. Gentleman labours with regard to my right hon. Friend who usually sits on my right and my right hon. Friend who usually sits on my left, is only to be attributed to the disordered imagination which extreme conscientiousness occasionally produces. I would now venture to appeal to the House not to carry this Debate any further. I do not propose to avail myself of the opportunity of entering into a defence of the Government for its proceeding, during the Session. I believe that even those who differ from the Government are not desirous of hearing our defence, but are much more desirous of making progress with public business. When we have occasion to make our defence, I have no doubt that it will be received by this House as it deserves. I trust that the House will now consent to proceed with the business before it, and, in conclusion, I would remind the House that even the hon. Member for Northampton (Mr. Labouchere) has himself admitted that there are no Bills of a controversial character now before the House.

(5.23.) DR. CLARK (Caithness): I regret that at the fag-end of a long Session you are about to suspend the Standing Orders, the result of which will be that the Scotch business in Supply will be taken, as has been the case for two or three years past, at 3 o'clock in the morning. My hon. Friend the Member for Lanark desires to bring forward the notorious Wishart case on an Amendment for the reduction of the salary of the Lord Advocate; then, again, the Crofters Commission Board will have to be discussed, and something must be said regarding the re-construction of the Scotch Fishery Board. There are also upon the Paper three Scotch Bills, the Police (Scotland) Bill, the Factors Bill, and the Education of Blind and Deaf Mute Children Bill; the latter being a very peculiar Bill, introducing in Scotland a principle applying the public funds in a manner which is entirely new. We are asking when the annual massacre is to take place, and yet, at this moment, the

Government are proposing to consider Bills of a highly controversial character in Scotland, and determining to carry them at whatever hour they may be reached in the morning. We are unable to believe the promises of the right hon. Gentleman. Formerly, when he told us he would do certain things, we expected them to be done, but we have found that year after year his promises are only made to be broken, and that the Government practically refuse to take Scotch business until they can do so by suspending the Standing Orders. The fact is that the Government are treating us with contempt, and I am afraid are teaching my colleagues to be a source of trouble to them, as the result will probably be that they will adopt the tactics which have been so successful in the case of the Irish Members. The Irish Debates are now over, and most of the Irish Members are going about the country enjoying themselves. Scotland, however, has to wait till the very end of the Session to find that its measures have still to be passed.

MR. WARMINGTON (Monmouth, W.): I should like to ask the Government whether they propose to extend this Rule to private Members' Bills which have passed the House of Lords and come back to this House?

*(5.28.) MR. W. P. SINCLAIR (Falkirk, &c.): The hon. Member for Caithness has said that Scotch measures were not considered last year until the extreme end of the Session. I would remind the House that is not the case, some of the Scotch Estimates were taken before the Whitsuntide holidays, therefore it is not fair to blame the Government, as the hon. Member has done. I hope, however, that next year it will be found convenient to take the Scotch Estimates at a somewhat earlier period than this year has been found possible.

*(5.30.) MR. PICKERSGILL (Bethnal Green, S.W.): I wish to ask the right hon. Gentleman whether it is reasonable to press forward the Youthful Offenders Bill at this period of the Session? This Bill is a new "Whipping" Bill of the most sweeping character. If it is retained on the Paper, the only result will be that Members will be kept until 2 or 3 in the morning, and the sense of grievance which they would feel would scarcely contribute to the rapid dispatch of public business.

(5.31.) MR. BUCHANAN (Edinburgh, W.): I wish to ask the right hon. Gentleman whether he does not intend to begin the consideration of any contentious measure after 12 o'clock, and whether it is not his intention rather to make progress after 12 o'clock with certain measures that might be objected to by some individual Member? I hope myself that the Government will proceed with the Scotch Police Bill, and pass it into law. I do not think I was formally committed by my right hon. Friend the Member for Edinburgh, but I remember saying to my right hon. Friend the Member for Bridgeton that I hoped the Government would shove along the Scotch with the English Bill. I only speak for myself, but I hope the Government will succeed in passing the Scotch Bill into law. The hon. Member for Caithness referred to the Bill for the education of the blind and deaf mute, and I am very sorry to hear that any Member of this House looks upon that as a contentious measure. It does not give us all we want, but those who are interested in this subject are anxious to make a start by getting this Bill through. I wish, further, to point out that the form of the present Motion is somewhat novel. Hitherto the suspension of the Standing Order has been moved with regard to some particular business, but this proposal is that Government business shall be taken at any hour, and I take it that means that the House might sit to any hour on Wednesday. Now, this might be drawn into a precedent, and hereafter used at an earlier period of the Session in a more drastic fashion than could be justified. I think the proposal of the right hon. Gentleman the Member for Whitehaven to abolish the 12 o'clock Rule would be keenly resisted by hon. Members generally, and they would be exceedingly jealous of anything that might interfere with the practical working of that rule. We are all willing that it should be suspended on special occasions for special purposes, but we strongly deprecate any graver interference with it. I think we are entitled to an explanation why the Motion is proposed in this form.

(5.40.) MR. ESSLEMONT (Aberdeen, E.): I am sorry the hon. Member for Caithness is not in his place; but I can assure the Lord Advocate, from all I can learn, that there is a very sincere desire that the Education of the Blind and Deaf Mute Bill should be passed, and I hope the hon. Member for Caithness will not continue his opposition. I should like to add, further, that there is something to be said for Scotch Members. The First Lord of the Treasury has admitted that it is fair that the Scotch Estimates should be taken at a reasonable time. We live at a considerable distance; we have to make our arrangements; yet I do think that the First Lord has rather taken Scotch Members into his own hands. At all events, I think Scotch Members ought to be defended by him against the rather insulting remark of the right hon. Gentleman the Member for Whitehaven. I can only account for it by the fact that the Member who made the observations was not considered worthy of notice. I do not think these remarks should be repeated, if you wish the assistance of Scotch Members in the conduct of Imperial affairs. All I can say is, that if such remarks are continued the Scotch people will become more and more of the view that they should be left to conduct their own affairs without the interference of the dominant vote of English Members.

(5.43.) MR. MUNDELLA (Sheffield, Brightside): Though I have Amendments down upon the Education of the Blind and Deaf Mute Bill, I regret very much that the hon. Member for Caithness regards it as a contentious Bill. I do not regard it as in any way contentious. Though it does not give nearly all that was recommended by the Royal Commission, yet it gives something, and I hope the Government are prepared to meet us by a reasonable concession, and to endeavour to pass the Bill. There is nothing of a partisan or sectarian character in the Bill, and it is one which both sides of the House desire.

*(5.45.) MR. CHANNING (Northampton, E.): I rise for the purpose of reminding the right hon. Gentleman that he forgot to refer to a substantial part of the observations of my hon. Friend (Mr. Labouchere) with reference to forwarding Supply. The Scotch Members have vindicated their claim to be able to take care of themselves. But as an English Member, I wish to put forward a plea on behalf of English taxpayers, who, after all, form the great majority of those who contribute to the taxes, that this question of Supply should be dealt with on a more rational basis than Her Majesty's Government have dealt with it hitherto. The Government is well aware that they have broken faith with us in not bringing the Estimates on earlier, and in regarding that as a first duty. I should like to know how, in the interests of the English taxpayers, we are to adequately discuss these Estimates at 3 or 4 o'clock in the morning at the fag end of the Session? I protest most emphatically against such proceedings, and I hope my hon. Friend will carry the matter to a Division, and that he will not hesitate to raise this question on every occasion he can until we have obtained a more rational method of dealing with Supply.

(5.47.) MR. HUNTER (Aberdeen, N.): I cannot congratulate the Government on the particular moment they have selected for the suspension of the Rule. They have waited until the English Bill was practically through the House, and they have only begun this new system when Scotch business is coming before the House. The Government now ask us to sit until 2, 3, 4, or 5 o'clock in the morning; but if that is attempted, it will be resisted unanimously by Scotch Members. There is a special reason why the Scotch Police Bill should be considered at a reasonable time. Originally it was sent to a Committee composed of nine out of the 12 Scotch Tory Members and seven out of the 46 Scotch Liberal Members. The deliberations of a Committee of that kind in no degree correspond with the opinion of the Scotch people. The whole Bill was passed through the Committee in three days. The Report was taken under the protest of the minority. These circumstances alone constitute sufficient reason why the Bill should be discussed in this House. I do not want to make a double Division by moving the Amendment which I have upon the Paper, but I should like an assurance from the First Lord that it is not intended to press the discussion of the Scotch Police Bill at an early hour in the morning. If such a course were

taken it would be doubly inexcusable, because unnecessary.

(5.49.) MR. W. H. SMITH: I can only speak again with the indulgenc of the House, but I wish to say that the Government has no desire to act unreasonably. We cannot enter into an engagement to report Progress at a certain fixed hour after 12 o'clock; but we wish to treat the House fairly and reasonably, and I do not think the hon. Member will have any reason to complain of the action of my Colleagues or myself in considering any reasonable objection. With reference to the question of the hon. and learned Gentleman (Mr. Warmington) with regard to Bills coming down amended from the House of Lords, it will be the duty of the Government to give the House an opportunity of considering those Amendments. With regard to the Deaf and Dumb Children (Scotland) Bill, I hope when it comes down from the House of Lords that we shall have the assistance of the great majority of the Scotch Members in passing it. There is, I am glad to say, no sectarian feeling involved.

(5.50.) The House divided:—Ayes 199; Noes 50.—(Div. List, No. 232.)

ORDERS OF THE DAY.

(5.59.) POLICE BILL.—(No. 392.)

As amended, further considered.

Amendments made.

(6.0.) MR. ATHERLEY-JONES (Durham, N.W.): The House will observe that the Pension Fund is to be made up from various sources, one of which is the deduction of 2½ per cent. per annum from the wages of the constables. Now, that percentage will be recognised by all hon. Members as perfectly illusory, for the purpose of forming a substantial contribution to the fund; indeed, for all practical purposes, there might as well be no such contribution at all. What I propose is, then, that instead of the contribution being 2½ per cent. it should be 5 per cent. I know it may possibly be argued by the right hon. Gentleman that this would constitute a heavy tax on the police; but when I compare the wages they received with those paid to men belonging to a similar class in life, I think the conclusion is justifiable that a deduction of 5 per cent. would not be excessive. For instance, in the Metropolis the constables start with wages of 24s. a week, and are supplied in addition with boots and clothing, while, in the event of a man being unmarried, he can have quarters, including fire and lighting, for the moderate sum of 1s. per week. Can it be said, then, that a deduction of 5 per cent. is too heavy? Further than that, I believe that, in the case of all other pension funds established for the benefit of bodies of workmen, the deduction is higher than 2½ per cent. I again pray in aid of the case of the Scotch Bill, in which it is provided that the rate of deduction in the case of officers above the rank of sergeant shall be 7½ per cent. I trust the Home Secretary will leave this an open question, and that I shall be supported by hon. Members opposite instead of their giving the customary silent vote against propositions emanating from this side of the House.

Amendment proposed, in page 9, line 31, to leave out the words "two and a half," and insert the word "five."—(*Mr. Atherley-Jones.*)

Question proposed, "That the words 'two and a half' stand part of the Bill."

(6.5.) THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. MATTHEWS, Birmingham, E.): If this question had appeared as *res nova* there would have been a good deal of force in the contention of the hon. Member, because 2½ per cent. may be called an infinitesimal percentage. It must be borne in mind, however, that the subject does not come before us as *res nova*. A series of Bills have been introduced by successive Governments, all of them containing a limit of 2½ per cent., and this, too, is the contribution enforced upon all the workmen employed by the great Railway Companies.

(6.9.) MR. ATHERLEY-JONES: I will not press the Amendment, but will ask leave to withdraw it.

Amendment, by leave, withdrawn.

(6.10.) SIR G. CAMPBELL (Kirkcaldy, &c.): We are always told that this Bill has been framed in the interests of the Public Service, and not merely of the police. In the Scotch Committee the majority insisted that officers above

the rank of sergeant should pay 7½ per cent. instead of 2½ per cent. In the case of an officer, in all probability his contributions to the Pension Fund for the great part of his service have been based on a low rate of pay, whereas his pension is calculated on the higher salary received in the last few years. That is the ground on which the Scotch Committee varied the percentage, and the Amendment I am now proposing is somewhat of a compromise on the point. A question was also raised as to whether officers who had not contributed to the fund ought not to be subjected to a further deduction. The Government undertook to consider this, and I should like to know at what conclusion they have arrived.

Amendment proposed, in page 9, line 33, after the word "deduction," to insert the words—

"(b) Every officer above the rank of sergeant sums after the rate of five per cent. of his pay." —(*Sir George Campbell.*)

Question proposed, "That those words be there inserted."

(6.13.) MR. MATTHEWS: The hon. Member will understand that the observations I made on the last Amendment apply equally to this.

SIR G. CAMPBELL: How about the question of deductions for non-contribution?

MR. MATTHEWS: We have considered that point, but we think it hardly necessary to alter the Bill in that respect, as very few such cases exist. No doubt in some parts there was a mistaken notion that a Chief Constable was not a constable in the ordinarily accepted sense of the term, and, therefore, was not allowed to pay anything to the Superannuation Fund. I think it would be very hard to make this Bill retrospective in such cases.

*MR. CHILDERS (Edinburgh, S.): I entirely agree with the right hon. Gentleman.

SIR G. CAMPBELL: I will not press my Amendment.

Amendment, by leave, withdrawn.

Another Amendment made.

(6.15.) SIR G. CAMPBELL: I have to move a new sub-section providing that in cases where a constable's pay has not been subject to deductions for the Pension Fund, it shall be competent for the Police Authority to diminish the pension as they may deem reasonable under the circumstances, but to an extent not exceeding one-fifth of the pension to which the officer would otherwise be entitled. I hope the Home Secretary will explain how the matter stands. He has once or twice ridiculed the idea that the word "constable" required defining, yet we have been told that in many counties the people were under the impression that a Chief Constable was not a constable, and that, therefore, his salary was not subject to deductions for pension. We have been told that in all boroughs the Chief Constables have contributed to the Superannuation Fund, but that the mistaken idea prevailed in several counties, and that the cases of non-contribution are so very few that it is hardly worth while altering the provisions of the Bill so as to deal with them. I say that if officers who have not contributed are put on the same footing as those who have, it would be a great scandal. It is to obviate any harm arising from such a cause that I wish to move my Amendment.

Amendment proposed, in page 10, line 7, at the end of Clause 15, to insert the words—

"A constable has not been subjected to the deduction from his pay as above provided, as a contribution to the Pension Fund, for at least two-thirds of his whole service, the pension awarded to him shall be diminished to such an extent as to the Police Authority may seem reasonable under the circumstances, not exceeding one-fifth of the pension to which he would otherwise be entitled."—(*Sir George Campbell.*)

Question proposed, "That those words be there inserted."

(6.20.) MR. MATTHEWS: I think the hon. Member is moving the Amendment in the wrong place. It more properly belongs to the section which applies to the cases of existing constables; and when we reach that part of the Bill, I shall be willing to accept a clause taken from Mr. Fowler's Bill, and which practically provides for the reduction of pension in these cases as suggested by the hon. Member.

SIR G. CAMPBELL: And will that apply to the Scotch Act?

MR. MATTHEWS: The case of Scotland is very different. There no member

of the force has had deductions made from his wages for pension purposes. It would be a real grievance if a man who had been in the force 14 years and not paid any deductions, should at the end of another year be entitled to a pension, while a man just entering would have to serve 15 years and pay a percentage the whole time before becoming entitled to a pension. The case of England is that everybody practically has had to contribute to the Superannuation Fund, with the exception of a few chief constables, who have not been allowed to do so.

*(6.22.) MR. CHILDERS: I think the clause taken from the Bill of the right hon. Member for Wolverhampton (Mr. H. H. Fowler) is the best one that could have been framed to meet this difficulty.

Amendment, by leave, withdrawn.

Other Amendments made.

*(6.24.) CAPTAIN VERNEY (Bucks, N.): I beg to move the omission of Clause 26, which gives power to charge upon the Police Fund the expenses when the military are called in to assist the police. This clause was not discussed in the Grand Committee, and introduces an entirely new principle which exists nowhere except in Ireland. I admit that were the military called in to assist the police on the responsibility of the County Council or some representative body, it might be reasonable that the locality should pay for it; but soldiers are called in on the signature of two Magistrates at the request of the chief constable—not representative people at all. Let me give the House three instances of this: A little while ago the soldiers were called in to assist the police in some tithe distraint at Anglesey by two Magistrates at the request of the chief constable. It was altogether against the wishes of the people, although they were not called upon to pay the cost. This clause may throw the burden on them in the future. I do not think the police are ever likely to be called in to assist at distraints for tithes in the future, because any Member for the County Council who voted for such a thing would lose his seat at the next election. Then, quite recently, the military were called on to quell some disturbances at Northampton. Their intervention was quite unnecessary, and the people were very angry about it. They would have been still more angry had they been called upon to pay the cost. The third case I wish to allude to is that of London. I do not think that Londoners would be very pleased if some unwise Home Secretary called upon the military to help the police when not necessary, and then threw the cost on the rates. Here are three instances in which the enforcement of this clause would create dissatisfaction. This is an entirely new departure, and I do not believe that anyone but the Irish people would submit to these conditions being imposed upon them. I think we ought to take a Division on this clause so as to see what hon. Members endorse the application of this entirely new principle. I submit that the clause is unnecessary, and that it will only breed ill-feeling and friction, and there is no demand for it from any quarter. It is an entirely new departure, and I hope the Home Secretary will not think it necessary to retain the clause.

Amendment proposed, to omit Clause 26.—(*Captain Verney.*)

Question proposed, "That Clause 26 stand part of the Bill."

*(6.31.) MR. MATTHEWS: The hon. and gallant Member is perfectly correct in saying that this matter was not discussed in Grand Committee. No one raised an objection to the clause. I took this clause bodily from the Bill of my predecessor. I do not think the Bill of Mr. Hibbert contained the clause, but the Bill of 1883 did, and all the successive Bills did. I will not argue whether it was wise to call out the military in Anglesey or in some other places, but I do not think the hon. and gallant Gentleman will dispute that there have been, and will be, occasions when it is necessary to call in the aid of the military. My right hon. Friend the Secretary of State for War is giving up the system of having small bodies of troops in given localities, and is adopting the plan of concentration. Consequently, in case of the military being called in to aid the civil power, there will be travelling expenses incurred by the troops summoned to assist, and I see, to my astonishment, that it is Welsh Members who

oppose this clause. I suppose that, on account of the unhappy tithe dispute, which is really only a passing incident in the history of Wales, I know no part of the country in which it may be more necessary than in Wales to be able to call in the military, because in no part of the country are the police forces so small as in Wales, because of the absence of lawlessness and the peaceable demeanour of the people. On the other hand, in case of emergency, such as the Turnpike Riots some years ago, the police forces would not be sufficient to cope with the disturbance. I do not attach very great importance to the clause; but it seems to me only fair that if the military are called out by the civil power, it would be extremely inconvenient that the expense should be thrown on the War Office Vote. If, at the request of the Local Authority, military are sent over to any given place, surely it is proper that the Local Authority should pay the expense.

*(6.36.) MR. CHILDERS: I regret I cannot agree with the Home Secretary on this question. So far from thinking this a small matter, I am afraid it is a large one. I do not attach much importance to it as a question of expenditure; but I think the principle which would be established by this clause is of great moment. A similar clause was in the Scotch Bill of this Session, and the Scotch Committee struck it out without opposition. If I remember right, the Lord Advocate entirely concurred in the omission. The fact is, it is an entirely new principle. All naval and military expenditure is defrayed out of the Votes of Parliament, and it is only upon the Estimates that the action of the Naval and Military Authorities can be challenged. If we allow a small amount of the military expenditure to be defrayed by any authority which is in no way responsible to Parliament, we shall prevent the possibility of the action arising out of that expenditure being challenged. As the right hon. Gentleman says he does not attach much importance to the matter, I trust he will consent to the omission of the clause.

(6.38.) MR. MATTHEWS: I do not share the constitutional scruples of my right hon. Friend, but inasmuch as my right hon. Friend the Lord Advocate approved of the omission of the clause from the Scotch Bill, I will not press the clause.

Question put, and negatived.

(6.40.) SIR G. CAMPBELL: I beg to move the omission of Sub-section 9 of Clause 29. This sub-section enables any constable, be he high or low, to accept the new Bill while availing himself of the privileges of the old Act. It seems to me entirely inconsistent with the principles of justice and right that a man should be allowed to pick and choose. Under this Bill no service under the age of 21 years is to count for pension; but in the old Act there is no such provision. A large number of men have entered the Service at 18, 19, and 20. In the Metropolitan Police Force there are 2,886 of such men. The other day the Home Secretary said it would be unjust to deprive them of service. It seems to me it would be unjust to allow them to take advantage of the new Bill while retaining the privileges they have under the old Act. A man can retire after 25 years' service, so that it is possible a man may retire at 43 years of age. I think it is altogether dangerous to allow men to retire at 46—the prime of life—and certainly I protest against some men being allowed to retire earlier.

Amendment proposed, in page 19, line 22, to leave out sub-section (9) of Clause 29.—(*Sir George Campbell.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

(6.44.) MR. MATTHEWS: I do not think the hon. Member really means to press this Amendment. It is clear that it would not be just, for no reason whatever, to deprive a man of any sort of service which he is now entitled to reckon towards pension.

(6.47.) Question put, and agreed to.

*(6.51.) MR. PICKERSGILL (Bethnal Green, S.W.): I propose to move the following Amendment:—

"That the pension to a constable, on retirement without medical certificate, shall be according to the maximum scale provided by Part I of the First Schedule to this Act,"

my object being to give Parliamentary sanction to the maximum scale. The Bill lays down a maximum and a minimum, and leaves it to the Local

Authority to draw its scale anywhere between the two limits. As far as the Metropolitan Police is concerned, this House is really the Local Authority; and I ask, therefore, that this House, in its character of the Local Authority, shall do what the other Local Authorities throughout the country will do by resolution. The only legitimate alternative to the proposal I am submitting seems to be to leave it to the London County Council to fix the scale. I do not know whether that would be agreeable to the right hon. Gentleman or even to the London County Council unless they took over the entire control of the police. I very much regret that this House should be really the Local Authority for the Metropolitan Police; but as long as it insists on occupying that position, it ought not to shrink from the responsibility and the duties of the office, and, therefore, I say we ought to do by Act of Parliament what the other Local Authorities would be able to do by resolution.

Amendment proposed, in page 19, after line 42, after the word "follows," to insert the words—

"The pension to a constable, on retirement without medical certificate, shall be according to the maximum scale provided by Part I. of the First Schedule to this Act." — (*Mr. Pickersgill.*)

Question proposed, "That those words be there inserted."

(6.55.) MR. MATTHEWS: The hon. Member is not strictly accurate in calling Parliament the Local Authority in the Metropolis. The Secretary of State is the Local Authority of the Metropolis, although he is responsible to Parliament. I cannot assent to this proposition, and I may say it was made in the Grand Committee and rejected by a large majority.

(6.56.) MR. CAUSTON (Southwark, W.): I am sorry the right hon. Gentleman is not able to accept this proposal. It is either intended or not that the Metropolitan Police should be allowed to retire as suggested by the Home Secretary in Committee. All we say is, that if they are to have that privilege, it should be put into the Bill.

(6.58.) MR. J. ROWLANDS (Finsbury, E.): This is one of the difficulties that will continue to arise as long as the Metropolitan Police are under the control of the Home Office. The right hon. Gentleman may technically be right, but we want to have the matter settled in such a way that the men will know exactly where they are. I hope the right hon. Gentleman will even now assent to the Amendment.

(6.59.) MR. BAUMANN (Camberwell, Peckham): I shall be obliged to vote for the Amendment, because it seems not altogether impossible that the future Police Authority for the Metropolis will be the London County Council, and I wish to protect the Metropolitan Police from the benevolent *régime* of that body.

CAPTAIN VERNEY: As a member of the County Council, I heartily endorse what the hon. Gentleman opposite has said. There are several Metropolitan Members on that side of the House. I am watching them with interest, and hope they will tell the House what their views are.

SIR A. ROLLIT (Islington, S.): I do not know whether the hon. Member is watching me among the rest, but I am going to support the Amendment.

(7.1.) The House divided:—Ayes 51; Noes 163.—(Div. List, No. 233.)

Amendment proposed, in Clause 31, page 19, line 42, insert—

"The Court of Quarter Sessions to which an application is to be made with respect to the decision as to the pension or allowance shall be the Court of Quarter Sessions for the county of London."—(*Mr. Secretary Matthews.*)

Question, "That those words be there inserted," put, and agreed to.

*(7.15.) MR. PICKERSGILL: The next Amendment raises an important and interesting point, which, I admit, was discussed in Committee, but not, as I think, satisfactorily decided. The short point of the Amendment is this: Admitting that pensions should be paid to the Commissioners of Police on their salaries, I raise objection to the further proposal of the right hon. Gentleman to pay pensions also to these gentlemen on their emoluments. The House will feel that the word "emoluments" is one of vague significance, and that we ought to know what it is that is included. According to the right hon. Gentleman, it includes a grant of £300 to each Commissioner for house rent—the idea, I suppose, being

that they should live near their work, and, therefore, where rent is high. But it does not seem reasonable that when a man ceases to be an officer and becomes a pensioner, he should calculate his pension so far as regards this £300 on the same scale as that on which he calculates his pension on his salary as a whole. But I have another point: If you admit the principle of paying a pension on emoluments in the case of superior officers, I contend that you are bound also to give the same to the subordinate officers and the rank and file of the Metropolitan Police, and to effect that purpose I have an Amendment lower down on the Paper. The right hon. Gentleman the Home Secretary says these officers have a kind of legal right to receive pensions upon their emoluments, and he quotes the Metropolitan Police Staff Superannuation Act of 1875. I have that Act in my hand, and the word "emoluments," so far as I can see—and I have only glanced rapidly through the measure—never once occurs. The Home Secretary is empowered to make regulations respecting superannuation allowances on the like principle and conditions as were in force at the time of the passing of the Act in respect of persons in the Civil Service of the State. We were informed in the Committee that with regard to the Civil Service, the rule is that, in the case of emoluments of this kind and of an allowance for house-rent, the pension is not calculated on the whole of the allowance, but only on a proportionate part; and, therefore, I maintain that the right hon. Gentleman in the regulations which he has issued, or has professed to issue, under the authority of this Act, has not really been using the powers which are given to him. In the regulation the word "emoluments," I admit, does occur. It says—

> "To any person who shall have served a certain number of years such an allowance based on his annual salary and the emoluments of his office."

I do think that the right hon. Gentleman in introducing the word "emoluments" into the regulation has exceeded the powers given to him by the Act of 1875; but however that may be, we are now making new regulations with the Commissioners of Police. We are giving them, in many respects, substantial advantages which hitherto they have not possessed; and, that being the case, I hold that we are in a position to revise our contract. Under any circumstances, the House will see that we must have some definite statement as to what "emoluments" include. We are told that they mean house-rent, but I have an idea that they mean something else. On looking over the accounts, I see that the Commissioners are allowed £150 as expenses for visiting the dockyards. Is that an emolument which comes under the clause? At present, having followed as closely as I could all the explanations offered by the right hon. Gentleman, I am totally in the dark as to what these "emoluments" consist of. I beg to move the Amendment standing in my name.

Amendment proposed, in page 20, line 19, to leave out from the numbers "1875," to the end of sub-section (4) of Clause 31.—(*Mr. Pickersgill.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

(7.23.) MR. MATTHEWS: This is a subject which was eminently fit for the consideration of the Standing Committee, but which is eminently unfit for the consideration of the House. It is a matter of such intricacy and complexity that I feel it is by no means easy for me to make myself intelligible. As the House is aware, the salaries originally attached to the offices of Chief Commissioner and Assistant Commissioners were in time recognised to be inadequate for the class of officers it was considered desirable to appoint, and to remedy this these officers were subsequently granted a "house allowance" of £300 a year. The salaries used to be £1,500 a year and £800 a year. The Home Secretary of the day shrank from asking for an increase of these salaries, which would have been the straightforward way of proceeding; and under the Metropolitan Police Staff Superannuation Act of 1875 it was provided that the Commissioner and Assistant Commissioner should get their pensions, not only on their nominal salaries, but also on their house allowances.

*MR. PICKERSGILL: That was done by regulation; it is not in the Act.

*Mr. MATTHEWS: Probably not; but the Act enabled the Home Secretary to make regulations corresponding to those made by the Treasury under the Civil Service Regulation Act. The pension is not allowed on any emolument beyond these house allowances. If the contention of the hon. Member is right, that these payments cannot be made under the Act of 1875, then they will not be made under this clause, for all the clause does is to preserve to these officers that which they are entitled to under the Act of 1875. This clause simply preserves to these officers that which they have got already under a complicated net-work of Acts for which my predecessors, and not I, are responsible. If the old *status* does not give the right to have this £300 a year for house allowances, it will not be conferred by this clause. It really requires a study of half a dozen Acts of Parliament to see how this clause applies, but it is quite clear that it only preserves existing rights.

(7.15.) Sir G. CAMPBELL: This is a very important question, and it looks to me very much as if a job was being perpetrated. The right hon. Gentleman says that previous Home Secretaries deceived Parliament. [*Cries of* "No!"] Yes; Parliament was deceived when it was induced to pay the policeman's rent.

*Mr. MATTHEWS: I have not made the assertion the hon. Gentleman attributes to me, and I would beg the hon. Member not to impute to me what I have not said.

Sir G. CAMPBELL: I think that is the reasonable construction of the right hon. Gentleman's words. He told the House it was desired to raise the salaries of these gentlemen, but Home Secretaries did not like blankly to ask for an increase of salary for them, and so they asked for rent. If that is not deceiving Parliament, I do not know what is. Well, I say it is unreasonable and unfair to impute to previous Home Secretaries that they deceived Parliament. It is well-known that rents are high in the Metropolis, and it was quite reasonable to give their rents to these high officers. Now, however, you are giving these men favourable terms, and you are going to let them have this privilege in addition. I say it is something very like a job, and that this Amendment ought to be accepted.

Question put, and agreed to.

*(7.32.) Mr. PICKERSGILL: It now logically follows that the House should accept the Amendment which stands next in my name. It is that the annual pay of the constable shall be deemed to include the value of all lodgings supplied to him, if any. I may point out that a provision substantially identical with this was introduced into a similar Bill brought forward by the Liberal Government in 1882. As the former Bills have been constantly quoted, I think that is a very strong precedent to bring forward.

Amendment proposed, in page 20, line 24, after the numbers "1875," to insert the words—

"The annual pay of a constable shall be deemed to include the value of all lodging, if any, supplied to him."—(*Mr. Pickersgill.*)

Question proposed, "That those words be there inserted."

*(7.33.) Mr. MATTHEWS: There is no analogy whatever between the two kinds of allowance, and I do not think it logically follows that this Amendment should be agreed to. I have only asked the House to preserve a right already existing. If you are going to give a constable a right to a pension upon an allowance of this kind, you will, I think, be establishing a bad precedent.

Question put, and negatived.

Other Amendments agreed to.

Schedule 1 postponed.

Schedules 2, 3, and 4 agreed to.

*(7.38.) Mr. MATTHEWS: I now move to re-commit the Bill in respect of Clause 29 and the 1st Schedule. Two hon. Members have Amendments to the same effect which involve some slight change, and I have expressed the intention of the Government to support them if they moved the Amendments. My own Amendments provide for a slight alteration of the scale, so as somewhat to increase the maximum after 25 years' service. The proposal was originally made by my right hon. Friend the Member for Peckham (Mr. Baumann) and rejected by the Committee. A number of Metropolitan Members on both sides of the House since told me that a slight

increase in the scale for the Metropolitan Police would not in itself be onerous on the ratepayers, and would go far to satisfy the members of the force who look forward to obtaining the two-thirds pension at a somewhat earlier period than is now provided for. The whole of the evidence in the Blue Book tends to show that the Metropolitan policeman is worn out after 25 years' service or thereabouts, and it is on that principle that we allow him to retire after 25 years' service without a medal or certificate. I have placed Amendments on the Paper, which will make the scale progressive.

Motion made, and Question proposed, "That the Bill be re-committed in respect of Clause 29, and Schedule 1."—(*Mr. Secretary Matthews.*)

(7.40.) SIR G. CAMPBELL: The House must thoroughly understand what this means; it means a reversal of the decision of the Grand Committee, arrived at by an enormous majority. Up to a certain point the Home Secretary was able to carry that Committee with him, but there came a point when the Committee revolted against his proposals; the proposal he has placed on the Paper was submitted to the Standing Committee and rejected by 15 to 6. Again, this is a surrender to the agitation in the Metropolitan Police Force against which the Home Secretary hitherto struggled, and as we supposed, struggled manfully. This is the question on which Mr. Monro went out of office, and on which the Home Secretary was supported against Mr. Monro. It is true he has not, in so many words, conceded the two-thirds pension after 25 years; he effects a compromise in a way, as it were, to save his honour. He has come back to the old argument that constables are worn out after 25 years' service. But we must distinguish between constables in a technical sense and constables in a practical sense. It is true, men who walk the streets are worn out after 25 years, but the officers are not worn out after such service. It is the officers who were led by Mr. Monro, and who got up the agitation. The agitation was repudiated by the men. It was an agitation which we thought the Home Secretary was going strongly to resist; but it was an agitation to which he has now yielded. Before he left office Mr. Monro told the officers they were bound to win, and they practically have won.

(7.45.) MR. HOWARD VINCENT (Sheffield, Central): I entirely disagree with the observations of the hon. Member for Kirkcaldy as to the opinion of the Grand Committee on this subject. The concession of the Home Secretary is exceedingly generous, and one which will be readily accepted by the police. It will prove a great benefit to the whole of the Force, men as well as officers. I have an Amendment on the Paper giving two-thirds, but I shall not think of pressing it after the generous concession of the right hon. Gentleman.

*(7.46.) SIR W. BARTTELOT (Sussex, N.W.): What the hon. Member for Kirkcaldy has said with regard to what took place in Committee is quite correct, and I hope my right hon. Friend, in the new schedule, will adhere to the minimum rate placed in the Bill. It is very important, in country districts especially, that we should have an opportunity of stating what we believe to be a fair and reasonable and proper pension for the police. We should like to have the minimum retained, as it is, because in many places the minimum would be absolutely sufficient for all purposes.

(7.47.) SIR G. TREVELYAN: I earnestly hope that the appeal of my hon. Friend will be accepted, but that is not quite enough. It is quite impossible that anyone who does not agree with the proposal of the Home Secretary, and who has any sort of responsibility in the House should pass this matter by without a word. I regarded the original proposal with the greatest apprehension. I consider it a most serious thing that a man should have an absolute right after 25 years' service to have any pension whatsoever, unless he is incapacitated. The Home Secretary by this alteration, which is contrary to the vote of the majority of the Committee, is showing too great a willingness to yield to the interests of the police, and in some cases too little thought for the interests of the ratepayers. Under the Scotch Bill, if a man retires at 25 years he will get, not two-thirds, but under one-half, 28-60ths, and he will not obtain two-thirds until he has actually served 34 years. Just think of the contrast

between a policeman in Glasgow or Aberdeen and in London. My hon. and gallant Friend (Sir W. Barttelot) hopes the minimum will be kept up so that the Police Commissioners in the provinces may be enabled to apply a much lower standard for their police. I am afraid very great discontent will arise in these provincial forces, as I am afraid it may arise in the Scotch Forces. Have hon. Members considered what they are doing in giving a two-thirds pension after 25 years' service? Just imagine what would happen if a foreman in a Government establishment, who probably was harder worked than a police officer, could claim a pension of two-thirds of his salary after 25 years' service. Think what you will really do for the Police Force itself. The men of long service are the flower, the very backbone of the Force, and one effect of giving this pension will be that there will be very quick retirement, very quick promotion, and men will retire at the very top of their salaries. For these reasons I regard with dismay the change which the Home Secretary proposes, which, I must own, I regard with great apprehension.

Question put, and agreed to.

Bill re-committed in respect of Clause 29 and Schedule 1.

Bill considered in Committee.

(In the Committee.)

Clause 29.

(7.55.) MR. LEAKE (Lancashire, S.E., Radcliffe): The Amendment I propose affects areas in the county of Lancashire, in which the police are able to get better pensions than those granted under this Bill. Under these circumstances the police claim a little consideration at the hands of the Government. I do not think I could have a stronger argument to urge for this Amendment than that the Police Authority, representing not only the Quarter Sessions but the ratepayers, through the County Council, have unanimously asked for consideration.

Amendment proposed Clause 29, page 18, line 42, after otherwise insert—

"Provided that, if a constable who has been in the service of a Police Authority not less than 10 years before the passing of this Act accepts its provision, the Police Authority may increase the pension to which he shall be entitled under the provisions of this Act by an annual sum not exceeding the excess over such pension of a pension to which he may become entitled if he declines in writing to accept the provisions of this Act."—(*Mr. Leake.*)

Question proposed, "That these words be there inserted."

*(7.58.) MR. MATTHEWS: I would suggest that the Amendment which stands in the name of the hon. Member for the Stretford Division of Lancashire (Mr. Maclure) would carry out exactly the object the hon. Gentleman has in view, and do it rather more completely and effectually. In the first place it is important that a condition should be that the Police Authority have, under the existing law, been in the habit of granting higher pensions than those which this Bill gives. The hon. Member will observe that such a condition is contained in the Amendment of my hon. Friend (Mr. Maclure). The only reason for conceding such a point as this is that there have been reasonable expectations formed of a certain scale of pensions being granted, and that it is really hard to deprive existing constables of this expectation.

(7.59.) MR. LEAKE: I am quite prepared to accept my hon. Friend's Amendment in preference to mine.

Amendment, by leave, withdrawn.

Amendment proposed, in Clause 29, page 19, line 29, after "Act" insert—

"In the case of any existing constable to whom this Act applies, who has served not less than 10 years before the commencement of this Act in a Police Force in which the Police Authority have heretofore, under the provisions of former Acts, granted pensions of higher amount than authorised by the scale adopted by that Police Authority under the provisions of this Act, and who becomes entitled to a pension under this Act, then, notwithstanding anything in this Act, the pension may, if the Police Authority think fit, exceed the amount prescribed in the adopted scale, so as it does not exceed the amount which might have been granted if this Act had not passed."—(*Mr. Maclure.*)

*MR. CHILDERS: May I ask the right hon. Gentleman how this affects the rate of pensions now granted in such counties as Lancashire, for instance?

MR. MATTHEWS: In Lancashire pensions are given under the 3rd and 4th Vict., which applies to all county forces. It provides a rough scale of retirement, upon medical certificate,

under the age of 60, with a pension of between two-thirds and one-half pay. I gather that very nearly two-thirds of the pay are allowed after 25 years' service, and strong representations having been made not to disturb existing arrangements, so far as the expectations of the men are concerned, who have been looking forward to their pensions during many years' service, I have assented to the Amendment.

Amendment agreed to.

Clause, as amended, added to the Bill.

Schedule 1.

(8.7.) SIR. G. CAMPBELL: The object of the Amendment I have to propose is to make the minimum pension the same as is provided in the Scotch Bill. In other words, I would give a wider option to the Local Authority. The Home Secretary says the Bill gives a certain latitude to the Local Authority —who may fix the scale of their pensions within a certain maximum and minimum, and I propose that the minimum shall be such that the English counties shall not be compelled to give more than the burghs and counties in Scotland can give. I in no way affect the discretion of the counties to give more, all I propose is, that the authorities shall have power to adopt the Scotch scale if they see fit.

Amendment proposed in Shedule 1, page 23, line 15, to leave out "two-sixtieths," and insert "one-sixtieth."—(*Sir G. Campbell.*)

Amendment negatived.

(8.10.) MR. MATTHEWS: In deference to a wish that has been expressed, I propose to change the maximum of the pension from 30-50ths to 31-50ths. Though I myself think it introduces a somewhat lopsided scale, altering the proportion between maximum and minimum thus, yet I believe this is desired, and will meet general acceptance.

Amendment proposed in page 23, line 18, after the second word "thirty," to insert the word "one."—(*Mr. Secretary Matthews.*)

Question proposed, "That the word 'one' be there inserted."

(8.11.) SIR G. CAMPBELL: It is well the ratepayers should realise the effect of this. I believe the moment the Bill passes, there will be a large exodus of men from the higher ranks of the Force, and especially in the Metropolitan Force, members of which, having business connections in London, will retire at a comparatively early age, and devote their energies to other pursuits. This will be followed by promotions, and again and again the same thing will take place, until the Service will become emasculated, and the ratepayers will suffer from heavy pension imposts. However, we have made our protest and can do no more. The Home Secretary is the master of many legions, and it is useless to argue.

(8.12.) DR. CLARK: Will the right hon. Gentleman amend the Scotch Schedule in the same fashion, or is this to apply to the English Bill only? If so, will the right hon. Gentleman explain the reasons for making the distinction?

MR. MATTHEWS: We are not now discussing the Scotch Bill, nor have I charge of it.

*(8.13.) MR. CHILDERS: Is it not desirable to make some modification by which Local Authorities could adopt a scale between the maximum and minimum?

(8.14.) MR. MATTHEWS: In the provincial forces the authorities may draw their scale of pensions anywhere they like between the extremes mentioned in the Bill.

(8.15.) The Committee divided:—Ayes 117; Noes 41.—(Div. List, No. 234.)

Other Amendments made.

MR. HOWARD VINCENT: I have an Amendment which comes next, which follows the lines of the Scotch Bill. I hope the right hon. Gentleman may see his way to accept it.

Amendment proposed, in Schedule 1, Part 2, page 25, Scale D, line 12, after "shillings," to insert—

"Or if there be no widow, an annual sum not exceeding five pounds as the police authority may determine."—(*Mr. Howard Vincent.*)

MR. MATTHEWS: I cannot accept my hon. Friend's Amendment, nor I confess can I quite follow it——

MR. HOWARD VINCENT: I do not press it.

Amendment, by leave, withdrawn.

Other verbal Amendments (Mr. Matthews) agreed to.

Schedule agreed to, as amended.

Bill reported; as amended, considered; read the third time, and passed. (8.35.)

POLICE (SCOTLAND) (RE-COMMITTED) BILL.—(No. 398.)

Bill considered in Committee.

(In the Committee.)

(9.2.) MR. HUNTER: I beg to move the omission from the 1st Clause of the words "Not less than 25 years' approved service." Owing to fundamental alterations made in the Bill in Committee, there has been created a curious state of affairs. No man under the age of 60 years can obtain a pension; no man over the age of 30 can join the force, and, therefore, in order to get a pension a man must have at least 30 years' service. I think it would be far better to omit these words.

Amendment proposed, in Clause 1, page 1, line 7, to leave out the words "Has completed not less than 25 years' approved service, and."—(*Mr. Hunter.*)

Question proposed, "That the words proposed be left out, and stand part of the Clause."

(9.4.) THE LORD ADVOCATE (Mr. J. P. B. ROBERTSON, Bute): If the hon. Member will look at a later section, he will see that this provision is introduced mainly in the interests of those already in the force.

Question put, and agreed to.

(9.5.) MR. CALDWELL (Glasgow, St. Rollox): I beg to move the omission of the words "twenty-five," and the substitution therefor of the word "thirty." I do so for this reason: No constable over the age of 25 can be admitted to the Force, and yet his pension will not become payable until he has reached the age of 55, so that between the maximum age of entering and the minimum age of retiring, there is an interval of 30 years. The effect of the pension will be to increase the number of old men in the Force, for those who are drawing towards the pension age will naturally remain in it until the pension is earned. I think it is desirable we should get as many young men in as possible. I think it would be highly inconvenient to establish by Act of Parliament the principle that 25 years' service is sufficient to qualify for a pension, when other provisions in the same Bill make it impossible for anyone to obtain a pension until he has served 30, and perhaps 34 years. To do so would be to create discontent in the Force. I think the words "25 years' approved service" should be withdrawn. The insertion of the words "thirty years" could not possibly be prejudicial to the men, and such an alteration would probably induce men about 21 years of age to enter the Force. It would also prove more satisfactory to the working classes who are opposed to pensions of this kind, if we insist that a pension shall only become payable after 30 years' service. In the Civil Service it is necessary for a man to serve more than 25 or 30 years in order to entitle him to a pension.

Amendment proposed in Clause 1, page 1, line 9, to leave out "25" and insert "30."—(*Mr. Caldwell.*)

Question proposed, "That '25' stand part of the Clause."

(9.12.) MR. J. P. B. ROBERTSON: This question had been discussed by the hon. Member with great moderation, and I intend to follow the same course. When the scheme of superannuation is matured, the result will be that no policeman will come in after 25 years of age, and no policeman will go out with a pension till he is 55, so that we shall have 30 years' service. This is one of the first of the Amendments which touch upon the whole scale and rate of figures in the Bill. In the Select Committee certain modifications were moved on these figures, and all in the direction of a more economical system of pensions. I do not profess to be in complete personal agreement with all that has been done, but I am quite prepared to stand by what has been agreed upon by the Select Committee. The Bill had been very carefully considered. An admirable temper prevailed in the Committee, and we had the advantage of the presence of some Members specially conversant with the subject. Under these circumstances I am quite prepared to adopt the recommendations of the Committee, except on one point, which does not involve a serious amount of dissension.

(9.16.) SIR G. CAMPBELL: I am very glad to hear this announcement by the Lord Advocate, and I am sure it will very much facilitate business. The Scotch Committee have made the Bill as tolerable as possible, and we might go farther and fare worse. If the Government will accept the recommendations of the Scotch Committee, and not act as they did in the case of the English Bill, I shall be satisfied, although the majority of the members of that Committee are Conservatives, they showed some independence and——

THE CHAIRMAN: Order, order. The hon. Member is not speaking to the Amendment.

(9.17.) MR. ESSLEMONT (Aberdeen, E.): My hon. Friend has anticipated what I intended to say. I do think, as he had so much to talk about on the English Bill, he might have allowed us a little opportunity on this Bill. It did strike me that the effect of the clause as it now stands might prevent men joining the force until they were nearly 25 years of age, and I am anxious to get them in at a lower age. Still, after the announcement of the Lord Advocate, I hope the Scotch Members generally will accept the Bill without further discussion.

Question put, and agreed to.

(9.20.) MR. CALDWELL: In line 11, of page 1, I wish to insert the word "five" after "sixty." This refers to the age at which the constables of the higher rank become entitled to a pension. Very often they are as fit for duty at 65 as at any period of their life, and therefore I do not think it unreasonable to fix the limit at 65.

Amendment proposed, in Clause 1, page 1, line 11, after "sixty" to insert "five."—(*Mr. Caldwell.*)

Question proposed, "That the word 'five' be there inserted."

*(9.21.) MR. CHILDERS: I hope my hon. Friend will not persist in this Amendment. Unfortunately, experience does not entirely bear out his suggestion as to their bodily strength at 65, and it is not desirable to retain men in the force at too advanced an age.

Question put, and negatived.

(9.22.) MR. CALDWELL: I now propose to move the omission of sub-section (b.)

Amendment proposed in Clause 1, page 1, line 16, to leave out sub-section (b).

Question, "That Sub-section (b) stand part of the Clause," put and agreed to.

(9.23.) MR. HOWARD VINCENT: There is an Amendment standing in my name, reducing from 20 to 15 years the period at which, if incapacitated, a constable shall be entitled, upon medical certificate, to retire and receive a pension, but after the intimation of the Lord Advocate, I am afraid it will be quite useless for me to press this and other Amendments I have put upon the Paper. I ought, perhaps, to apologise for having put down so many Amendments to a Scottish Bill, but so many of the Scottish Members were on the Select Committee that very few were left to place Amendments on the Paper contrary to the conclusions of the Committee. I have received letters from a large number of police officers in Scotland, calling attention to the very serious injury which may result from the difference between the conditions of superannuation in Scotland and in England. I do not intend to trouble the House by reading them. But I may point out that even now there is a considerable migration from the Scotch Police to the English Police, and the Government proposals will not tend to stop it. I will ask the Lord Advocate whether he cannot see his way, in any degree, to accept some of my Amendments, with the view of assimilating the superannuation in the two countries. I will simply formally move the first of my Amendments.

Amendment proposed in Clause 1, page 1, line 21, to leave out twenty and insert 15.

Question proposed, "That the word 'twenty' stand part of the Clause."

(9.24.) MR. J. P. B. ROBERTSON: I think my hon. Friend has taken a course which is most judicious and sensible in the Parliamentary situation in which he finds this Bill. My hon. Friend has stoutly maintained, both here and elsewhere, that the figures he proposed were really the proper and just figures in relation to the police, but I am bound to tell him that I view the matter rather from the general aspect in which it

presents itself. We have already discussed the subject in Committee in a very fair and practical way. The Committee was fairly representative of all Scottish interests, and the conclusions they arrived at are embodied in the Bill as it now stands. I am not prepared now to go back on them. On the contrary, as I gather from the opinion of my hon. Friends, as well as that of hon. Gentlemen opposite, they are a fair and reasonable reward for the police. I concur in that opinion, and as regards the practical details, there is only one point upon which I shall ask the Committee to go back, and that is the question of 2½ instead of 7½ per cent. as the deduction in the case of superior officers.

(9.26.) MR. HUNTER: I also have an Amendment to increase the period to 25 years, but as I find on examination that, so far as the Pension Fund is concerned, there is extremely little difference between the limits of 20 and 25, I shall not move that Amendment. There can be no doubt that the weak point in this superannuation scheme is the medical certificate. If you give men a right to retire at a certain age, by some mysterous process, they can always get the necessary medical certificate. There is no doubt when a policeman reaches the retiring age, he will suddenly find that his constitution is not sufficiently strong for his work. If he retires just before he has completed 20 years' service he gets a gratuity of about £116, whereas the pension he is entitled to at the end of the 20 years is worth over £400, so of, course, he will strive hard to serve the full period.

Question put, and agreed to.

(9.29.) DR. CLARK: I think some reason should be given for the difference which is made by these Bills in the position of the Scottish constable as compared with the English constable. The work which the Scottish policeman has to perform in Glasgow, for instance, is far harder than in London. The Scottish criminal is of a worse type than the English criminal. He is, generally speaking, stronger physically, and defends himself more. The constables are in consequence assaulted more frequently, and have harder work altogether. Yet the English policeman is to be entitled to a pension at 46 years of age, while the Scottish policeman requires to be 55. As this might touch the rates, I shall not support the hon. Member for Sheffield (Mr. Howard Vincent) in any of his Amendments. We must permit the Government to have for the same description of officials one class of legislation in England and another in Scotland, and repeat the old story of having privileges given to England and Ireland—those in the case of Ireland being of a special character—whilst Scotland is left alone.

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 agreed to, with Amendments.

Clause 4.

MR. CALDWELL: I move the second Amendment standing in my name.

Amendment moved, Clause 4, page 3, line 34, at end, add

"But not less than 15 years' continuous approved service shall be in the force from which any pension is claimed."—(*Mr. Caldwell.*)

Question proposed, "That those words be there inserted."

MR. J. P. B. ROBERTSON: I cannot accept the Amendment.

Question put, and negatived.

Clauses 4, 5, 6 and 7 agreed to.

Clause 8.

(9.35.) MR. HUNTER: I move to leave out sub-section "c." This Amendment raises rather an interesting question as to the status of the police after they have obtained their pensions. Before the Select Committee a proposal was made by the hon. Member for Dundee practically to retain the pensioned men as a kind of reserve police, available for duty on Sundays and on special occasions. That proposal was negatived, and the question that now arises is whether, when a policeman has completed his time and obtained his pension, he should not be made a free and independent man. The sub-section provides that the pension shall be forfeited if the grantee refuses to give to the police all the information and assistance in his power for the detection of crime, apprehension of criminals, and suppression of disturbance of the public peace. The object of the clause is to retain the service of the pensioned police as auxiliaries. I do not

entertain any strong objection to that, but I object to imposing such a penalty as the forfeiture of pension. I attach enormous importance to the security of the pensions, and one of the points in the Bill of which I most approve is that which makes pensions a matter of right, and makes them a matter of property rather than of grace or favour to be continued or discontinued according to the goodwill of the Local Authority for the time being. It strikes me that in London this sub-section might operate very harshly and injuriously. Suppose, for example, a policeman who has served in the Police Force of Glasgow receives a pension and retires to his old home in the highlands, and supposing there occurs one of those disturbances which call for the intervention of the police, if the pensioned policeman does not do his utmost to suppress the disturbance under this sub-section, the Glasgow Authority may stop his pension. Surely such a pensioner would be placed in a very awkward and invidious position. In the first place he will have arrived at an age when it is supposed he is no longer fit for active service, and in the next place he is called upon to act in his own highland home amongst his friends. He is put in this dilemma, that he must either sacrifice the pension he has earned by long years of service or he must raise his hand as a volunteer auxiliary to assault and injure, perhaps his father or brother, or other near relative. It seems to me that under this Bill cases of very great hardship must arise between divided duty on the part of the pensioned constable, and I would ask the Government whether it is worth their while to retain a clause of this sort. It can be of extremely small utility to the Police Force, because the supposition is that these men are all incapable of acting as policemen. It may be said that in such a case as that I have referred to it would not be compulsory on the Authority in Glasgow to take away the man's pension, but the dread that it may be taken away, and the uncertainty of the position, are evils of the highest magnitude, not to be incurred without some adequate or sufficient reason of public utility. No such reason is forthcoming, and it seems to me that while on the one hand we ought, as I think the Committee upstairs did, carefully scrutinise the Bill to prevent charges being put on the ratepayers, on the other hand, we should give the policemen every conceivable security which is not inconsistent with the principles of economy. Financially, I think the clause is worth nothing, as no pension fund would be affected by its loss, and even at the tenth hour I would still appeal to the Committee to strike the clause out of the Bill, and to give to the pensioners that feeling of security which is worth more than money itself.

Amendment moved, in Clause 8, page 7, line 16, to leave out Sub-section (c.)." —(*Mr. Hunter.*)

Question proposed, "That Sub-section (c) stand part of the Clause."

(9.42.) SIR G. TREVELYAN: I must say that in all the discussions that took place on the English Bill, I thought that on the sub-section dealing with the future employment of ex-policemen, the most difficult one for Members to make up their minds upon, looking at the important and conflicting arguments we heard. There is on the one side the danger that a very serious political power may be given over to a retired policeman, owing to these words, "the suppression of any disturbance of the public peace," but on the other hand, there is the serious consideration that in London you are making a reserve force of several thousand men—almost young men of between 41 and 50 years of age. Those of us who thought that the London police were over well treated in this respect were not very unwilling that these men—who are like officers on half-pay—should be called on to act in case of a disturbance, seeing that they will be as efficient as the ordinary police. But that consideration does not apply in the case of Scotland, where the men will be broken down in the knees and over 55 years of age, and very little use in a serious disturbance. The consideration, however, felt in England as to the danger to a retired policeman who might sympathise with some strong political or social movement applies equally to Scotland, particularly highlands. I shall be very glad if the Government will agree to omit the part of the sub-clause which deals with the suppression

of disturbances of the public peace. I should certainly be very unwilling to vote for the omission of the previous lines, for I think that however a pensioned policeman is, he is bound as an ex-public servant to do all he can for the detection of crime and the apprehension of criminals.

(9.45.) MR. ESSLEMONT: This is one of the points on which I hope the Government will give way. I have been very much opposed to anything like making the Bill uniform with the English measure, because I have felt that if, as some of my hon. Friends think should be the case, the Bill is levelled up to the English measure, it may be necessary also to level it down to that measure. I hope the Lord Advocate will not find himself bound by anything in the English Bill, and, as to this sub section, having had as wide an experience as most hon. Members of the police in Scotland, I believe that it will be of no practical value whatever. I think it will be open to grave abuse, and will cause great irritation, and I therefore trust it will be omitted.

(9.47.) MR. D. CRAWFORD (Lanark, N.E.): I am unwilling to support any material alteration to the Bill as it stands, because in the Select Committee we gave the best consideration we could to it, and because, in spite of the reproaches sometimes uttered against Scotch Members, as to the time we take in discussing Bills, we bid fair to-night to despatch our business with more expedition than our English brethren have done. But I would venture to repeat a suggestion to the Government in regard to this sub-section which was made by the hon. Member for Aberdeen. I think it will be agreed that there is a great deal of force in the argument that a pensioned policeman should not be called upon to do police duty in a place where he had never served as a policeman. It would be clearly unfair that a constable enjoying a pension should be expected to act as a sort of spy over the Police Authorities in a different part of the country to that in which he had earned his pension. What I would suggest is that in addition to the omission of the words objected to by the right hon. Gentleman the Member for the Bridgeton Division these words should be added—

"If the grantee refuses to give to the police all the information and assistance in his power within the police area of the force in which he has last served."

(9.50.) MR. J. P. B. ROBERTSON: The Committee considered the clause as a whole, and I think we were fairly unanimous in the solution we found for the difficulties we had to encounter. The subject was discussed in a very temperate and fair manner. In whose interests are these restrictions made? In the interests of the ratepayers. It is not likely that, say a Town Councillor of Glasgow, would strain a point against a man who had served for a long time in the police force and had had a pension awarded to him. I cannot imagine that anything but a liberal view would be taken of the clause. I shall, therefore, oppose any limitation of the kind suggested.

(9.53.) MR. HUNTER: It has been suggested by my right hon. Friend (Sir G. Trevelyan) that instead of attacking the whole clause I should limit the Amendment to the words, "for the suppression of any disturbance of the public peace." I accept that suggestion, and I would ask leave to withdraw my Amendment.

(9.56.) DR. CLARK: I am against the principle of this clause, because I think that if a man has served till he is 58 or 60 years of age, and during the time of his service a certain proportion of his salary has been deducted he has an absolute right to his pension, and you ought not to impose these conditions any more than you ought in the case of an ex-Cabinet Minister, or an officer of the Army or Navy, or a Judge. I do not see why my hon. and learned Friend should withdraw any portion of his Amendment. We know that in the highlands, for instance, the Police Authority is not elected by the people, but to the extent of one-half consists of gentlemen who sit by right of property. There may be disturbances in the future as there have been in the past, and we know that the police sympathise with the people in their grievances. The complaint has been generally that whilst the local police sympathise with and assist the people, foreign police are sent in who adopt a very different attitude. I hope the right hon. Gentleman will meet us a little on this point, and we will assist

him with the Bill as far as we possibly can.

(9.58.) MR. A. SUTHERLAND (Sutherland): I think a policeman has an absolute right to his pension after he has served for the allotted time. On this ground I object to the sub-section, and I also object to it because it will, if carried, produce a set of informers all over the country. I think it unfair to place a retired policeman in the position of an informer. The right hon. Gentleman says the Police Authorities of Glasgow would not strain this power against the police. That seems to me to be the strongest argument against the clause, because if it is to be of no effect it ought not to be in the Bill.

Amendment, by leave, withdrawn.

(9.59.) MR. HUNTER: I now beg to move the insertion of "and" after the word "crime," so as to enable me to propose the Amendment in its modified form.

Amendment proposed in page 7, line 17, after the word "crime," to insert the word "and."—(*Mr. Hunter.*)

Question proposed, "That the word 'and' be there inserted."

DR. CLARK: Might I ask whether, on this point, the Government will give way to us? I think it will very much facilitate business if they do.

(10.0.) MR. J. P. B. ROBERTSON: This must be considered with regard to Scotland as a whole, and I think it is not unreasonable to exact that a retired policeman should not refuse to give any assistance he can to the police. I hope the House will not give effect to the notion that there is not likely to be fair play. I do not think there is any reason for striking out the words. All we want to prevent is the suggestion that the ratepayers or taxpayers are supporting a man who is really, by his conduct, adding to their burdens.

(10.4.) MR. FINLAY (Inverness, &c.): I do not look on these words as imposing on the police any special duty. I regard it as the duty of every citizen to give to the police all the assistance in his power. The neglect of that duty on the part of a retired policeman would not, I think, be improperly punished by the withdrawal of his pension.

(10.5.) MR. D. CRAWFORD: I hope my hon. Friend will not think it necessary to divide on his Amendment.

MR. ESSLEMONT: I hope the Government will give way on the point. My hon. Friend the Member for Inverness (Mr. Finlay) has pointed out most distinctly that an obligation lies on the retired policeman as on other citizens to do his duty. What is suggested by this sub-section is that a retired policeman should keep himself in reserve, so that if there are any particular duties to do, he may be called away from his ordinary employment to do them. For instance, a man might be sent to Fraserburgh or Netherhead during the fishing season to assist in keeping the public peace.

*(10.6.) MR. CHILDERS: I have followed very carefully this Debate on what is a purely practical question. I put it to myself as an English Magistrate—supposing in the district where I live, there were a number of old policemen from 55 to 70 years of age living on their pensions, and it were necessary to take steps to suppress a disturbance of the public peace, should one naturally call upon the retired policemen? I think not. I think, however, we should require them to give all the assistance they could in the detection of crime, but not expect of them the physical burden of putting down disturbers of the peace who might be 30 years their juniors.

(10.8.) SIR G. CAMPBELL: Considering the way we have met the Government they might very well give way to the feeling of the Scotch Members on this small point. When you come to the question of the disturbance of the public peace you touch political questions. The clause may be applied in election time, or in the case of Crofter disturbances.

*(10.9.) MR. W. H. SMITH: The Government would be exceedingly glad to meet the wishes of the Scotch Members in the matter if it were possible to do so, but I am bound to point out that a similar provision has already been passed in the English Bill, and that to strike it out of this Bill would be to make a difference between England and Scotland, which is not desirable. I cannot think that any injury will result from the retention of the provisions. It

will be in the power of the Police Authority to deal with each case that arose, and I do not believe that any injustice will under any circumstances be done by retaining the provision as it stands.

MR. J. B. BALFOUR (Clackmannan, &c.): There are a great many differences between the Scotch and English Bills. There are differences, for instance, both in regard to age and scale of pensions. The similarity between the two Bills in this respect cannot, therefore, be cited against the Scotch Members.

MR. MARJORIBANKS (Berwickshire): I must say the reason the right hon. Gentleman gives for refusing the request of the Scotch Members is a very bad one. The very fact that this Bill is different in principle to the English Bill is surely a reason for making a difference in a matter of detail.

*MR. HOZIER (Lanarkshire, S.): This clause was carried by probably the largest majority obtained in the Committee, and the matter was thoroughly threshed out. There is no one who wishes to be fairer to the policemen than myself, but on the whole I think this clause is extremely fair.

MR. E. ROBERTSON: My opposition is to the principle of the Bill, and, therefore, I have not interfered with the details. I only rise now to remind the First Lord of the Treasury how the subsequent events have justified the Motion he made that both of these Bills should be referred to the same Committee. The First Lord of the Treasury has now excused himself from meeting the wishes of the Scotch Members on this small point by alleging that the English Bill contains a similar provision. The English Bill cannot be altered, and that fact is put forward as a justification for refusing to yield to our request.

SIR G. CAMPBELL: Let me very respectfully suggest to the First Lord of the Treasury that it is just because this Bill very materially differs from the English Bill that he is going to get it through so amicably. Under these circumstances I think he might give way.

(10.14.) MR. HUNTER: There is one complete answer to the First Lord of the Treasury, and that is: that, under the Scotch Bill, the men will not be superannuated until they are 55. Under the English Bill the men may be superannuated eight years earlier. The hon. Member for Lanarkshire (Mr. Hozier) is quite in error as to the views of the Committee on this point. It is true the clause, as a whole, was carried by a majority of 12 to 4, but this particular point was never submitted to the Committee at all. The First Lord of the Treasury cannot see the possibility of any person suffering any injury. That is quite right, speaking as an Englishman from an English point of view; but he has no idea of the depth of bitterness of the Scotch Tory. I assure the right hon. Gentleman that it is not only possible, but probable, that injury will be done. With regard to suppression of crime I give way, but the disturbance of the peace is a totally different matter. It is likely that this clause will be utilised for the purpose of trying to deprive men who have served their time of their pension. That is quite within the limits of experience, and it is important we should give to the Highlanders the security that such a thing cannot happen. I hope that, even at the last moment, the Government will give way.

(10.18.) The Committee divided:—Ayes 75; Noes 127.—(Div. List, No. 235.)

Motion made, and Question proposed, "That Clause 8, as amended, stand part of the Bill."

(10.25.) DR. CLARK: I very much regret the Government have not seen fit to give way to the Scotch Members on this point, and, as a means of expressing our dissatisfaction, we must oppose the clause altogether. Personally, I consider the clause totally unnecessary. I shall vote against the Third Reading, but I hold that if you give police constables a pension you ought not to take it away for any other reason than you take away pensions from anyone who has served in the Army, Navy, and Civil Service.

Question put, and agreed to.

Clause 9 agreed to.

Clause 10.

Amendment proposed, in page 7, line 41, to leave out all after "shall" to end of Clause, and insert—

"Prejudice the existing right of any police authority to dismiss any constable, or to reduce him to any lower rank or lower rate of pay, or shall prevent his claim to pension from being

refused on account of misconduct or of negligence in the discharge of his duties or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited and withdrawn." — (*The Lord Advocate.*)

(10.34.) MR. HUNTER: I do not rise to object to these words, but to remark, this Amendment was proposed in the Select Committee, and was then defeated by a narrow majority, by the casting vote of the Lord Advocate himself. He now makes the proposal himself, and I hope he will take no exception to the renewal of other proposals where decisions were carried in Committee by the casting vote of the Chairman. When we come to a later Amendment, I shall invoke the precedent the right hon. Gentleman is now setting.

(10.35.) MR. J. P. B. BOBERTSON: This is singularly ungracious. It is true that decisions were arrived at in Committee by narrow majorities, and in several instances I was called upon to give a casting vote. But I have cheerfully given way where I thought I could do so in the public interest, and to meet any generally expressed view. I shall make no complaint of any such citation of my action.

Amendment agreed to.

Clause as amended, agreed to.

Clause 11.

(10.36) DR. CLARK: Does the expression "Sheriff" include the Sheriff Substitute? It is not included in the definition clause.

(10.36.) MR. J. P. B. ROBERTSON: According to my recollection of the Bill of last year, the expression does include the Sheriff Substitute.

(10.37.) SIR G. CAMPBELL: But I think that is undesirable. The Sheriff is a great officer, and though I do not say a word to derogate from the dignity of the Sheriff Substitute, he does not occupy that high position an official should have if he is to over-rule the Local Authorities in a great burgh. I think this function should be confined to the Sheriff.

(10.38.) MR. ESSLEMONT: I entirely disagree with my hon. Friend. The Sheriff Substitute is present in the district, and we look to him in all practical business of this kind, but the Sheriff is sometimes a political opponent with whom we have differences of opinion. I am sure Scottish feeling will be in favour of including the Sheriff Substitute.

(10.38.) DR. CLARK: I am strongly desirous that the phrase should include the Sheriff Substitute, and if there is any doubt on this point, I would suggest an addition here or in the definition clause. The working Judge is the Sheriff Substitute, the Sheriff is but an ornamental official, and his appointment often but a political job.

(10.38.) MR. J. P. B. ROBERTSON: I find I am quite right in my interpretation; the expression "Sheriff" includes Sheriff Substitute.

Clauses 11 and 12 agreed to.

Clause 13.

(10.39.) MR. CALDWELL: The Amendment I have to propose is with the object of providing that no constable in receipt of a pension shall be appointed to an office, the remuneration for which is provided by moneys voted by Parliament or raised by the rates. It is quite conceivable that a policeman might, after receiving a pension, be appointed to an office paid for out of the rates, and thus receive better payment than he actually received when a younger man in full active employment in the force.

Amendment proposed in page 8, line 32, to leave out "If a," and insert "No."—(*Mr. Caldwell.*)

Question proposed, "that the words 'If a' stand part of the Clause."

(10.40.) MR. J. P. B. ROBERTSON: I think the restriction in the Bill represents the general view of the Committee.

Question put, and agreed to.

Motion made, and question proposed "That Clause 13 stand part of the Bill.'

(10.41.) MR. HOWARD VINCENT: I took the opinion of the House on an Amendment to omit a similar clause in the English Bill, and the English Bill is much better than the Scotch Bill in many respects. Possibly Scotch Members may be willing to accept the exclusion of this clause.

Question put, and agreed to.

Clause 14 agreed to.

Clause 15.

(10.42.) MR. J. P. SMITH (Lanark, Partick): In view of the intention of the Government to accept the Amendment standing next to mine for deleting the sub-section, for the insertion of which I and others voted under a misapprehension, I do not propose to move my Amendment standing next.

(10.42.) MR. HUNTER: If the hon. Member will not move his Amendment I will move it for him. What I wish to bring about is this, and if the Amendment of the hon. Member opposite accomplishes the end I have, I need not move. In Committee it was agreed that the deductions from the officers should be 7½ per cent. If the proposition had been 5 per cent., I should have voted for it, for that, I think, is the proper sum to be deducted. Then an Amendment was proposed by the hon. Member for Lanark, that an officer should not suffer any deduction beyond 2½ per cent., a proposal I am bound to say, I could not agree with. Nearly the whole of the Committee agreed that there should be a substantial distinction between the contributions of the officers of the constables and sergeants. The argument used to induce us to give pensions to constables and sergeants has no application to officers.

*MR. HOZIER: May I ask to what Amendment the hon. Member is speaking?

THE CHAIRMAN: I understand the hon. Member proposes to move the Amendment standing in the name of the hon. Member for the Partick Division.

*MR. HOZIER: I do not think he is speaking to it.

MR. HUNTER: I was mistaken as to the particular Amendment.

*(10.43.) MR. HOZIER: I beg to move my Amendment. The increase of pay when a member of the force is promoted from the rank of sergeant to inspector is so slight ——

MR. HUNTER: On a point of order, Sir, I wish to move and omit the words "seven and a half," and insert "five." Shall I be precluded from doing that by the result of the Amendment the hon. Member is about to move?

THE CHAIRMAN: I will put the Amendment in such a form that the hon. Member's right will remain.

*MR. HOZIER: The intention of my Amendment simply is that officers of superior rank shall not be called upon to contribute 7½ per cent., but only 2½ per cent. like the rest of the force. I think, as a matter of fact, there was a general agreement upon this in Committee. The figures gave a majority of two for the Amendment, which was carried, but, certainly, two hon. Members voted under a misapprehension. I hope the Committee will agree to the deletion of the sub-section.

Amendment proposed, in page 9, line 9, to leave out the words "every officer above the rank of sergeant liable at the rate of."—(*Mr. Hozier.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

(10.44.) MR. J. P. B. ROBERTSON: I think the decision of the Committee is one that cannot be maintained, and if it it were necessary to dwell upon that, I could give some figures that would be absolutely convincing. At the same time, I desired to ascertain, as far as I could, the prevalent opinion among Scotch Members, and, so far as I am able to gather, no one is in favour of 7½ per cent., and I think that figure is untenable. In point of fact, it would reduce the pay of an inspector of the lowest rank below that of a sergeant of a highest rank for a period of five years. The pay of an inspector of the second rank being £90 reduced by 7½ per cent. will be £83 5s., while that of a sergeant of the highest rank reduced by 2½ per cent. will be net £83 9s. Such a statement is quite enough to blow 7½ per cent. out of the water. The preponderating opinion is, I think, in favour of 5 per cent., but I think it would be well for the Committee to avoid a distinction which involves no advantage from a financial point of view, and may result in an irritating effect upon the Service. I hope the Committee will agree to the general reduction all round being 2½ per cent.

(10.45.) MR. DONALD CRAWFORD: So far as I am able to ascertain, I think the general feeling is in favour of 5 per cent., and I should be quite willing to concede that. I think most of us in the Select Committee were under the impression that salaries rise more rapidly

in the higher grades than they actually do. But, at the same time, I feel strongly that, even in the case of constables, 2½ per cent. is a very small contribution indeed towards earning a pension, and financial authorities have remarked upon this. I think that in the higher salaries, it is reasonable to fix the contributions at 5 per cent. I think we ought to look at the financial side of the question, although the Lord Advocate seems to think that is unnecessary. The scheme is really a different scheme to that presented to us on the Second Reading of the Bill.

MR. J. P. B. ROBERTSON: I did not say it was unnecessary to look at the financial side of the question, all I said was that the difference was so small that it could not be said to have any bearing on the actuarial calculation.

MR. DONALD CRAWFORD: I am not quite sure that it requires to be made out by figures, but we are not entitled to disregard any part of the financial position, having in view the position at the end of 30 years, and the probable increase of the Force with the increase of population. I do not think we are entitled to throw away any just source of income, and I think in these cases 5 per cent. is not an unreasonable contribution.

*MR. HOZIER: The actuarial calculations put before us in Committee were based on the distinct understanding that no one paid more than 2½ per cent.

(10.47.) MR. E. ROBERTSON: I hold that the view taken in Committee had no reference to actuarial calculations at all; it turned upon matters of equity and fair play as between various members of the Force. It was represented that the men who retired on high pensions, the men in the higher branches of the Service, would be contributing a very much smaller proportion towards their pensions than the less fortunate individuals who had never emerged from the lower ranks. I have not the figures now, but they show a startling disproportion against the poorer men, and in favour of those who, after promotion, retire on the higher pensions, having contributed on the lower scale during nearly the whole of their terms of service.

(10.48.) MR. ESSLEMONT: I am not quite sure whether my hon. Friend has considered that these superior officers above the rank of sergeant will contribute to the age of 60, and others only to 55. I am bound to say I think it is rather hard that a fine should be put upon the men who rise. Is it not sufficient that they have to serve another five years? I think the 2½ per cent. might be maintained. I confess I have sympathy with the idea of charging more when a man gets to the higher rate of pay, but here it must be pointed out that our pay is not uniform, and some men who have not risen above the rank of sergeant will get as high pay as Inspectors in some instances. It is less a matter of pay than of grade and merit. I think 2½ per cent. might be adopted, and that it is scarcely worth while contesting the point.

(10.49.) MR. HUNTER: I base my consideration of the point upon the question of justice and fair play between the officers and the men, and between the police and the public at large. If this were a fund upon which pensions were to depend, and these were to be measured by the amount of contributions, it is obvious that proportionately much higher contributions would be required from the officers than from the men. But the Government are granting £40,000 a year, and the contributions of the men are but a fifth or sixth of the amount they will receive. It may fairly be contended that the Government should not make a proportionately larger contribution towards the pensions of the officers than the pensions of the men. There are these considerations also, that the wear and tear and exhaustion by exposure to all weathers is greater among the men than among the officers; also that the wages paid the men are not sufficient to enable them to make any provision for old age, but that is not so with the officers, whose pay exceeds the income of many men of middle class. There is certainly no argument *ad misericordiam* for the officers. It is fair they should contribute a larger sum than the men, and my opinion is, that if the proceedings in Committee had been conducted with more deliberation, 5 per cent. would have been inserted. With regard to what the hon. Member for Lanark has said as to two Members of the Committee having changed their opinions, I do not think we can take account of that, because if they are here, they

can explain their position, and if they are absent, it is not well that their views should be represented by proxy. It is within the power of the Government, of course, to upset the decision of the Select Committee, but I think it would more conduce to progress and the harmony of our proceedings if they accepted the compromise of 5 per cent.

(10.52.) MR. J. P. B. ROBERTSON: Throughout the proceedings before the Committee I stated, as I did also in private communications to Members, that I should ask the House upon this point to go back upon the finding of the Committee.

(10.52.) MR. J. P. SMITH: I may explain that in Committee figures were put before us which seemed to show that the pay of the inspector was three times that of the ordinary constable, £100 to £33, and upon that it was estimated the contribution of the inspector should be three times that of the constable. But on further examination of the figures, it appeared that the difference in pay was as 10 to eight, or £100 a year to 33s. a week. The fact is, the rise in pay is extremely gradual in the grades of the Scotch Police Force, and this sudden increase in contribution would reverse the positions as regards pay in some instances.

(11.0.) MR. ESSLEMONT: I may point out that this provision will work very unequally. In some counties the inspector gets only 28s. per week, and you will deduct 5 per cent. of his pay, while the constable, who in another town gets 30s. a week, will pay only 2½ per cent.

Amendment put, and negatived.

Clause 15, agreed to.

Clause 16.

Amendment proposed, in Clause 16, page 9, line 25, to leave out "stoppages and."—(*Mr. Caldwell.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

(11.5.) MR. J. P. B. ROBERTSON: I think this matter was sufficiently discussed in Committee, and the clause as now framed is a fair compromise. It met with general approval in the Committee, and I hope it will not again be discussed here. The Scotch Authorities are well treated under this Bill. Glasgow, for instance, will be a great gainer by the arrangement now proposed, for its rates will be relieved of a charge of something like £1,200 a year for pensions. I do trust this Committee will accede to what, after all, is a settlement of matters of detail, and not engage in a mighty amount of discussion about a very small affair.

(11.6.) DR. CLARK: It seems to me that Clauses 16 and 19 are closely allied to each other, but the Debate will take place on the latter. If you pass it, you will make the police rate liable for any deficiency. This scheme will entail a lot of intricate book-keeping, but I think we had better give a trial to the arrangement proposed.

(11.8.) MR. J. P. B. ROBERTSON: We went carefully into this matter in Committee, and I must say that this suggestion did not meet with any support.

MR ESSLEMONT: I may explain that there were originally sub-sections giving the police an interest in certain convictions. I thought that a vicious principle and one altogether undesirable to be introduced into the Bill. I can see no objection to these small contributions going into the Police Fund, which, I think is their proper destination; and I hope the compromise, which I think was a fair one, will be accepted by the Committee.

Question put, and agreed to.

Clause 16 agreed to.

Clause 17.

(11.9.) MR. CALDWELL: In this clause I desire to substitute in line 2, page 11, the words "two months" for "thirty days." My reason is that the County Council Authorities in Scotland do not, in consequence of the great distance, find London easily accessible, and, in the event of this scheme for the distribution of the grant not proving acceptable to them, 30 days would scarcely be sufficient to enable them to make the necessary representations against it.

Amendment proposed, in Clause 7, page 11, line 2, to leave out, "thirty days," and insert "two months."—(*Mr. Caldwell.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

(11.10.) DR. CLARK: This may seem a trifling matter, but it is very important—Scotch County Councils should have an opportunity of considering the scheme.

(11.11.) MR. J. P. B. ROBERTSON: The subject of regulations providing for these and other schemes is a somewhat complicated one, and is governed by such a consideration, among others, as the period at which Parliament sits. In order to preserve uniformity of system the period of 30 days was introduced, but, personally, I have no strong feeling on the subject.

(11.12.) MR. BUCHANAN: I think it is very desirable the period should be extended in view of the fact that there is sometimes a fortnight's vacation at Whitsuntide or Easter.

MR. J. P. B. ROBERTSON: Very well, for the present I will accept the term of two months, on the understanding that if I find, on inquiry, it is inconvenient, we shall revert to the former proposal.

Question put, and negatived.

Clause 17, as amended, agreed to.

Clause 18 agreed to.

Clause 19.

(11.15.) MR. J. P. SMITH: I think that if the Amendment I have to move on this clause is carried, it will remove the only possible ground of attack against the Bill. I believe that under the scheme, there will be no liability on the Police Fund for many years, but, if it should arise, it ought to be removed, and the acceptance of this Amendment will get rid of any difficulty which may be felt in regard to it.

Amendment proposed, in page 12, line 29, "to leave out Sub-section (1)."—(*Mr. Parker Smith.*)

Question proposed, "That Sub-section (1) stand part of the Clause."

(11.16.) MR. J. P. B. ROBERTSON: I agree with my hon. Friend opposite that what took place in the Select Committee has practically established what I ventured to assure the House on the Second Reading—namely, that there will be no burden cast on the rates in the ordinary case until a period which may be roughly represented as about 30 years. I believe hon. and right hon. Gentlemen who sat on the Committee were on the whole satisfied that that is the case. At the same time, one has to deal with a problem which is not a matter of absolute certainty. We have to take into account the fact that the actuarial calculations upon which we all relied, are liable to the fluctuations and incidents of the number of funds which have to be dealt with. I am aware that some hon. and right hon. Gentlemen think that those difficulties might have been avoided if we had a central fund. It is conceivable that even the best actuarial calculation may prove to be fallacious. I put it to the Committee whether it is wise to infuse any doubt as to the sufficiency of the rights conferred on the constables. I do not think it would be a satisfactory or business-like way of dealing with a case of this kind, if we were to set up a fund, and say that that is all we have to go upon, and that nobody shall be liable beyond it. I hope the Committee will not look upon this question as one of more than theoretical interest. I am satisfied that Members of the Select Committee and Members of the House are convinced that to throw the ulimate liability on the rates is not to indicate the slightest doubt as to the solid ground we are upon.

*(11.18.) MR. CHILDERS: On the whole, although not without doubt, I think it would be well to adopt the Motion of my hon. Friend. In point of fact, the Police Fund, as a whole, will always be solvent, and this Mr. Finlaison fully admitted, especially after the changes made in the Schedule. It is therefore useless to give it an additional security, which would be misunderstood, and may have the effect of interfering with strict economical management. I hope the Government will yield this point to the general feeling of Scotch Members.

(11.22.) MR. ESSLEMONT: I think it would be in the interest of those who will receive the benefit that an assurance should be given to the constituencies in Scotland that there will be no local rate for this purpose. This is a most important clause. On the general principle of the Bill I have hitherto supported the Government, but I have always con-

tended that, before imposing any burden on the rates, the ratepayers ought to be consulted. The sum offered by the Government for the superannuation of the police should be devoted to that purpose, but we ought not to impart any degree of uncertainty into the matter. The people of Scotland should understand that the Government cannot deprive them of this source of revenue, without providing another source. The Lord Advocate has assured us that there is no fear of losing the source from which the money is supplied, and the right hon. Gentleman, one of the Members for Edinburgh, has intimated that, with economical management, the fund will suffice. With such opinions in his favour, I hope my hon. Friend the Member for Partick will press his Amendment. I hope the Government will see that there is no danger in giving way on this point, and that they will accept the Amendment.

*(11.25.) MR. HOZIER: The hon. Member seems very tender hearted towards the ratepayers on a theoretical point, but he nevertheless allowed himself to be led on another occasion by the right hon. Gentleman the Member for Stirling Burghs, who speaks about "the naked brutality of the relief of the rates."

(11.26.) MR. HUNTER: In the Committee the retention of the clause was decided by the casting vote of the Lord Advocate. I certainly object to throwing the ultimate liability on the ratepayers. There will be constant pressure put upon the Local Authorities to make the conditions of pensions less hard, and if they have the fathomless depths of the ratepayers' pockets behind them, the Local Authorities may be tempted to yield to that pressure. Besides, it should be remembered that these authorities are often very much under the control of the head police officers. It was proved before the Committee that it was almost impossible that the sum of £40,000 to be granted by the Government will be exceeded, and that constitutes another reason why they should accept this Amendment. If the Government had only contributed to the Pension Fund in the same proportion as the most liberal railway companies contribute to their *employés'* funds, the grant would not have exceeded £20,000 annually, whereas it is to be double that amount; therefore they are treating the police most liberally in this matter. The difficulty of those of us who have been supporting the Government in that matter is that, if this Amendment is not accepted, we shall be unable to justify these proposals to our constituents, who will see that the police are being dealt with with enormous liberality, and who will not be satisfied unless they are assured that not a single penny of the charge will fall on the rates. I hope the Government will not persist in the course they have adopted, but will allow the Amendment to be adopted.

(11.30.) The Committee divided:—Ayes 136; Noes 77.—(Div. List, No. 236.)

Clause agreed to.

Clauses 20 and 21 agreed to.

Clause 23.

(11.40.) MR. HUNTER: I beg to move an Amendment to this clause. Clause 23, page 14, line 12, leave out the words "or part." The object of this Amendment is to prevent the Local Authority from returning to the constables some indefinite and undetermined portion of their contributions. I cannot see the necessity for introducing such an element of doubt and ambiguity. I hope, therefore, my Amendment will be accepted.

*MR. CHILDERS: This question is one that was very fully discussed on a former occasion, and, for my own part, I should be disposed to give the Local Authorities a certain amount of latitude in this matter.

MR. BARCLAY (Forfar): I think that, seeing how vague and ambiguous is the proposal as it stands in this Bill, the Government might consent to the omission of these words.

(11.42.) MR. J. P. B. ROBERTSON: As has just been stated, this matter has already been carefully considered by the Committee, and I may remind hon. Members that as the Bill originally stood, it merely enabled the Local Authority to return these contributions by using the word "may," but the Committee still further strengthened the clause by inserting the word "shall," so as to enforce the provision. It was thought that having in that way strengthened the right of the constable

the object of this part of the clause was sufficiently guarded.

Motion made, and Question, "That the words 'or part' stand part of the Clause," put, and agreed to.

Other Amendments made.

Bill reported.

(12.5.) MR. J. P. B. ROBERTSON: Perhaps the House will agree to take the Report now.

Motion made, and Question proposed, "That this Bill be now considered."—(*The Lord Advocate*).

MR. CALDWELL: One or two of us who did not press our Amendments in Committee have a few words to say on the Third Reading, and we object to the Third Reading being taken now.

Question put, and agreed to.

Bill reported; as amended, considered; to be read the third time to-morrow.

LOCAL TAXATION (CUSTOMS AND EXCISE) DUTIES BILL.—(No. 404.)

Order for Third Reading read.

*(12.7.) THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. RITCHIE, Tower Hamlets, St. George's): This being a Money Bill, I hope the House will permit some verbal Amendments to be made. I think it will be of advantage.

Several verbal Amendments made.

*(12.12.) MR. RITCHIE: I beg to propose that the Bill be read a third time.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Ritchie.*)

MR. CALDWELL: I do not rise for the purpose of opposing the Third Reading, but with the object of pointing out the position taken up by the Government on the occasion of the Second Reading. The right hon. Gentleman the President of the Local Government Board (Mr. Ritchie) then pointed out that if the licensing clauses were dropped the whole Bill would go.

*MR. RITCHIE: I beg the hon. Member's pardon. It may save him some trouble if I deny having made such an assertion. What I said was that if any Amendments were adopted which would alter the character of the Bill the measure would be dropped.

(12.13.) MR. CALDWELL: The right hon. Gentleman said on the Second Reading—

"Unquestionably if the hon. Member for Barrow is successful in his onslaught the whole Bill will have to go, and none of the powers, which I think are universally approved, will go into the hands of the Local Authorities."

The right hon. Gentleman also made other observations to the same effect, and I think that it is perfectly obvious that the Second Reading of the Bill was carried on the pledge of the Government that in the event of the licensing clauses being defeated the whole Bill would go. I think that is the plain interpretation of the right hon. Gentleman's words. Well, the licensing clauses have gone, the Government having practically been defeated by Mr. Caine. The whole object of putting on the additional taxes was to provide funds for the compensation of publicans, and the balance was distributed for other purposes. I venture to say that the Government, having got the money and brought forward the Bill for an express purpose, it is a breach of faith with the House and the country to proceed with the measure when they declare that in the event of the compensation clauses being dropped the whole Bill will go.

THE CHANCELLOR OF THE EXCHEQUER (Mr. GOSCHEN, St. George's, Hanover Square): No declaration of the kind was ever made. It was said that if the Motion of the hon. Member for Barrow on the Second Reading was carried the whole Bill would go; but the two matters are entirely different.

MR. CALDWELL: I have read the words of the right hon. Gentleman the President ef the Local Government Board, and the public can form their own opinion. As to the education question, the Government were very anxious on the clauses dealing with the Scotch portion of the money that it should only be applied for the purpose of freeing education in the compulsory standards, but it has been pointed out

that in the great majority of schools—in all but 98—the school fees are abolished in all the compulsory standards already, and that the grant under the Bill will go for the purpose of relieving education in subjects above the compulsory standards. The point I wish to emphasise is that the position taken up by the Government in respect of free education in Scotland will bind them when they come to deal next year with the same question in England, and will compel them to free education, not only in the compulsory standards, but in all the schools.

*(12.19.) MR. ASHER (Elgin, &c.): Before this Bill is read a third time I desire, in a very few words, to make an appeal to the Lord Advocate with respect to that part of Clause 2 which limits the application of the £40,000 to relief from the payment of school fees in the compulsory standards in Scotland. The Lord Advocate has undertaken that the money will be distributed among the State-aided schools, in the same way as was done with the grant of last year; and we, of course, know that the right hon. Gentleman will do everything he possibly can to fulfil that undertaking. But the point to which I wish to direct the attention of the right hon. and learned Gentleman, before it is too late, is whether it would be possible, under the Bill as it stands, for the Education Department to fulfil the undertaking which he has given. The clause in question is divisible into two parts. The first relates to the application of the money, and the second to its distribution. Under the first part it is expressly enacted that the money shall be applied in relief from the payment of fees in the compulsory standards. Under the latter part the Education Department merely have power to regulate the manner in which the money is to be distributed among the schools. The serious difficulty which seems to me to arise is that the Scotch Education Department, who are to exercise the function of distributing the money by Minute among the State-aided schools, will have no power to give a share to those schools in which, prior to this Act, the fees have been abolished in the compulsory standards. I will illustrate the difficulty by taking a particular case. Take the case of a school in which the grant of last year was sufficient to cover all fees in the compulsory standards, which were therefore abolished, and in which the grant, under the present Bill, will be sufficient to cover the fees in the standards other than the compulsory standards. Now, I understand that it is the intention of the Government that the schools in that position are to receive a share of this grant. Well, it seems to me that two difficulties will be encountered. The Education Department has to pass a Minute. They have got to distribute the grant among the schools. I should think their first duty would be to see how, under the Act, the grant is to be applied, in order to discover what schools are to participate in it. By the Bill, as it stands at present, the grant, when it is given to an individual school, must be applied in relief of the payment of fees in the compulsory standards, and if the Scotch Education Department find that a certain number of schools, prior to the passing of this Act, have no fees in the compulsory standards, and could only apply the money, therefore, in relief of fees in the non-compulsory standards, they will be driven to the conclusion that these schools cannot participate in the grant. Then, what can the School Boards do with the money if it is given to them? They must look to the Act to see what they have to do with it when they get it. The Act says it shall be applied in relief of school fees in the compulsory standards. How are the Boards to administer it, when fees have been already abolished in the compulsory standards? They cannot apply it in relief of fees which have been already abolished, and under the Bill they cannot apply it in relief of fees in the non-compulsory standards. Are they to go through the fiction of re-imposing fees in the compulsory standards for the mere purpose of remitting them? It is a serious misfortune that the sum of £40,000 has not been increased to £90,000, but it would be a matter that every one would lament if, by any possibility, through the retention of unnecessary words in the section, the intention of both sides of

the House were to be frustrated as to the division of the £40,000 amongst all the State-aided schools in Scotland, on the principle of the Capitation Grant. My reason for interposing at this stage is that, after carefully considering the matter and forming the best opinion on it I can, I am convinced that difficulties of the most serious character will arise in the administration of this grant if the words limiting its application to the compulsory standards are retained in the clause. I hope the right hon. and learned Gentleman will still see his way, either by re-commitment or in the other House, to clear the Bill of the ambiguity which the presence of these words involves.

(12.26.) MR. J. P. B. ROBERTSON: I have listened to the hon. and learned Gentleman's observations with very great surprise. I have not observed that the hon. and learned Gentleman has been present during recent Debates, and I conclude from his speech that he has not heard or read any Report of our proceedings, because the very question which has caused him so much wonder and anxiety has been discussed over and over again in this House, in Committee, and on the Report stage; and every point which has preyed on the hon. and learned Gentleman's mind, and from which he desires relief, has been pressed on the attention of the House and the Committee by hon. and right hon. Gentleman sitting on the same Bench as himself. The hon. and learned Gentleman will forgive me, therefore, for not entering into detail on the matter. The long statement he has given us, with admirable lucidity, has been made in various forms during the hon. and learned Gentleman's absence, and if he has not been supplied with an answer to that statement, I would venture to refer him to any Report of the Debates, where he will find full corroboration of his own views from Gentlemen sitting on his own side, and an ample answer, if not refutation, of them from mine.

*(12.29.) MR. C. S. PARKER (Perth): The right hon. and learned Gentleman has simply repeated his conduct on the first occasion when this matter was brought forward. There were then two quite different and distinct Amendments before the House, one to increase the sum of £40,000 to £90,000, and the other to provide that, if the sum remained £40,000, it should be applied without restriction. The right hon. Gentleman, instead of dealing with this latter Amendment, confused the two, alleging that the second was a mere repetition of the first, and, therefore, required no answer. In consequence, I raised the question again on the Report, and then the right hon. Gentleman was discreet enough to hold his tongue. If my hon. Friend should search the Debates for any answer from the Lord Advocate he will find none. The Solicitor General spoke for the Government, and all he said was that, practically, the £40,000 could be applied at the discretion of the School Boards, so that I had not succeeded in showing what harm these words would do in the Bill. I think a case has now been made out as to the harm they will do, namely, that they will, at the very least, create a legal ambiguity. I regard it as most unsatisfactory that the Chief Law Officer of the Crown in Scotland should have slurred this question over without an answer.

(12.30.) SIR W. LAWSON (Cumberland, Cockermouth): I do not exactly agree with my hon. Friend the Member for Glasgow (Mr. Caldwell) in thinking the Government were bound, when the licensing clauses were done away with, to withdraw the Bill altogether. I do not think they could help themselves. Having provided for the raising of the money, they were bound to do something with it. I regard the Bill as one of great importance, which should not pass to another place without a word of recognition from us. It is, no doubt, the great Bill of the Session, and it is the Bill which makes this Session memorable. We spent 25 nights over it, and I believe the country does not think we spent too long a time. 406 Bills have been before the House this Session, and I think this one has excited more interest in the country than all the other 405 put together. It seems to me that the system of giving to Local Bodies large sums of money raised by local taxation is a very bad system. I am sorry to see it seems to be becoming popular, because I am sure it will lead to a great deal of evil and corruption in our local affairs. The

Bill, however, might have been a great deal worse. What we feared when we fought it was that it would have led to the strengthening and the consolidation of the great drink interest throughout the country. Now the money is to be spent on a very good purpose, namely, the promoting of the education of the people. Some of it is to be used for police purposes. That is a very good thing too, because we all know the police would be hardly necessary in this country if it was not for the expenditure on drink. On the whole, we have a good deal to be thankful for, and can part with the Bill in pretty good humour. I shall always remember it with interest because it is the first Bill ever brought in by a responsible Government which has been based avowedly on the principle of trying to make people sober by act of Parliament, and reducing intemperance by diminishing the temptations to drink. I cannot help shedding a tear over the suspensory clause. The Government appear to be like game-preservers. They bring up the game, and when they have arrived at maturity, they shoot them. I hope, however, the Government will not be discouraged from pursuing the course they announced when they brought in the Bill. I have read of wild talk about there being no more legislation of the kind for the next 20 years, and about the foolish action of the Prohibition Party. When I see that, I always remember the words of Mr. Disraeli, who once said:—"Never take the words of your opponents." I hope the Government will not say that, because they cannot get a certain amount of money to strengthen and endow the liquour trade, they will never do anything more for temperance. They have declared plainly in this House that there are far too many liquor shops, and I think they ought to do something to get rid of them. Although we had to fight against this Bill, I can assure them the Prohibition Party are ready and anxious to assist them in any attempt in that direction, and I am sure that in such an endeavour they will have the support of the great majority of this House, and the immense majority of the people.

(12.37.) Question put, and agreed to.

Bill read the third time, and passed.

Sir W. Lawson

INDIAN COUNCILS BILL [LORDS].
(No. 197.)

Order for Second Reading read, and discharged.

Bill withdrawn.

PARTNERSHIP BILL [LORDS].
(No. 373.)

Considered in Committee, and reported, with Amendment; as amended, considered; read the third time, and passed, with Amendments.

EXPIRING LAWS CONTINUANCE BILL.—(No. 403.)

Read a second time, and committed for this day.

YOUTHFUL OFFENDERS BILL [LORDS].—(No. 349.)

Order for Second Reading read, and discharged.

Bill withdrawn.

STATUTE LAW REVISION (No. 2) BILL [LORDS].—(No. 405.)

The Select Committee on the Statute Law Revision (No. 2) Bill [Lords] was nominated of,—Mr. Ambrose, Mr. Asquith, Mr. Bryce, Mr. Coghill, Mr. Elton, Mr. Howell, Mr. Knox, Mr. Solicitor General, and Mr. Whitley.

Ordered, That Three be the quorum.—(*Mr. Solicitor General.*)

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT (1862) AMENDMENT BILL.—(No. 181.)

Bill considered in Committee.

(In the Committee.)

Clause 1.

Amendment proposed, in page 1, line 20, to leave out the word "ten," and insert the word "twenty."—(*Mr. Caldwell.*)

Question proposed, "That the word 'ten' stand part of the Clause."

MR. JACKSON: I do not know whether this has been agreed to by the Lord Advocate; if not, I must ask that Progress be reported.

MR. PARKER SMITH (Lanarkshire, Partick): I think it has been agreed to

by the Lord Advocate. The Amendment is to allow the owners to have some larger percentage than the Bill provides.

MR. JACKSON: Under the circumstances it would be well to report Progress.

Committee report Progress; to sit again to-morrow.

FIRE BRIGADES (EXEMPTION FROM JURY SERVICE) BILL.—(No. 273.)

Order for Second Reading, this day, read, and discharged.

Bill withdrawn.

House adjourned at five minutes before One o'clock.

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